

Summary History by Orson F Whitney

In his book: "Making of a State."

Little and Hanks.—Information respecting the Government's purpose to send troops to this Territory came to the ears of two Utah men, Feramorz Little and Ephraim Hanks, as early as February, 1857. Late that month they arrived with the mail at Independence, having crossed the plains under a special arrangement with the postmaster of Salt Lake City; Hockaday and Magraw having failed to properly close their contract. Through the non-arrival of the mails in Utah, Mr. Kimball had not learned, up to the time that Little and Hanks left home, of the acceptance of his bid by the Government. Immediately upon receipt of the notice, preparations to begin proceedings under the new contract were vigorously pushed; so much so that the establishment by the Express Company of a mail station on the Upper Platte was reported to the Government by Indian Agent Twiss, in the Deer Creek region, as a forceful "Mormon" invasion of the Sioux Indian reservation.

Mayor Smoot Brings the Tidings.—The news of the coming of the troops was brought to Utah by Abraham O. Smoot, Mayor of Salt Lake City. While in the East as an agent of the Y. X. Company, he learned from Feramorz Little at Fort Laramie, and afterwards at the office of a Government contractor in Kansas City, that Brigham Young had been superseded as Governor; that a new set of Federal officers had been appointed for the Territory; and that an army would accompany them to the Utah capital. He also ascertained that certain freight wagons belonging to Contractor William H. Russell, and which he had encountered on the plains, were loaded with army supplies, a portion of the equipment of the Expedition.

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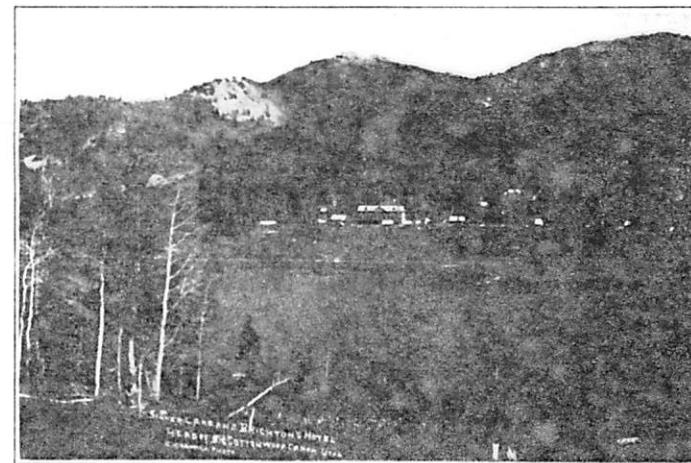
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The Silver Lake Celebration.—It was the tenth anniversary of the arrival of the Pioneers in Salt Lake Valley, and the Governor, with about twenty-six hundred people, residents of the capital and neighboring settlements, were in the midst of a peaceful celebration of that event, when the word came that an army was marching to Utah to put down a rebellion against the Government. The celebration was held



SILVER LAKE.

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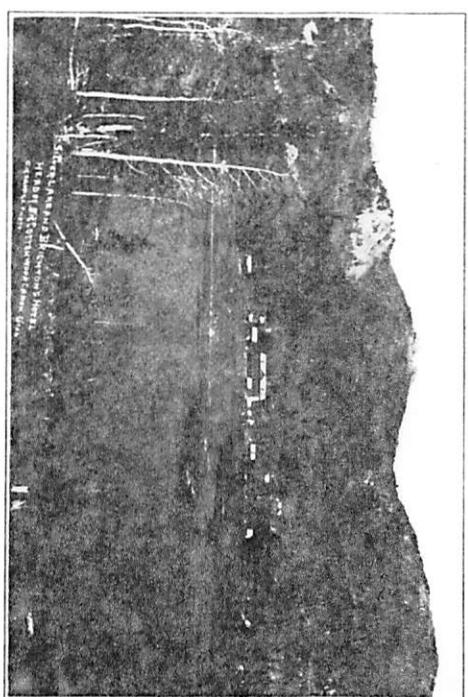
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Three of them were Mayor Smoot, Judson Stoddard, and Porter Rockwell, the Y. X. messengers from the East. Their companion was Judge Elias Smith, postmaster of Salt Lake City.

How the News was Received.—Governor Young, upon receiving the tidings brought by the messengers, called a council of leading men and laid the subject before them. There was no outward excitement, whatever the inward agitation. The main body of the campers were not even informed until they had assembled for evening prayer, when General Wells at the Governor's request spoke to them briefly, giving the news and instructing them as to the order in which they should leave the camp-ground next morning. Benediction was then pronounced, and the assemblage dispersed.

To the community at large, the warlike rumor could not but be of an exciting character. The announcement that a hostile army was approaching would have been startling at any time, but on that day of days, when the people were praising God for their deliverance from past sorrows and their establishment in a land of peace, it came with tenfold force. As interpreted by them, it meant another attempt to despoil them and drive them from their hard-earned homes.

Extreme Views.—This was an extreme view, but no more extreme than the view taken by the Government relative to a rebellion in Utah. The avowed object of the National Authorities was to give the new executive and his fellow officers a military arm to protect and assist them in the performance of their duties. Those officers, aided by the troops, were not to create chaos, but to restore order; not to make war upon the people, but to preserve peace and maintain the supremacy of law.* Such, however, was the tension of those times that

*The instructions to the commander of the Expedition contained these sentences: "The community, and, in part, the civil government of Utah Territory are in a state of substantial rebellion against the laws and authority of the United States. A new civil Governor is about to be designated, and to be charged with the establishment and maintenance of law and order. Your able and energetic aid, with that of the troops to be placed under your command, is relied upon to secure the success of his mission." "If the Governor of the Territory, finding the ordinary course of judicial proceedings of the power vested in the United States Marshals and other proper officers inadequate for the preservation of the public peace and the due execution of the laws, should make requisition upon you for a military force to aid him as a posse comitatus in the performance of that official duty, you are hereby directed to employ for that purpose the whole or such part of your command as may be required; or should the Governor, the Judges, or Marshals of the Territory find it necessary directly to summon a part of your troops, to aid either in the performance of his du-

the citizens could not be convinced that the army meditated anything but evil. Knowing that they were not in rebellion, and that there was no need of troops to restore or maintain order, they took the view most natural under the circumstances. It looked to them like a movement for their destruction.

Resistance Determined Upon.—They resolved that such an event should not be. Self-defense was a duty as well as a right. They determined to oppose the troops, and prevent them if possible from entering Salt Lake Valley. But while holding back the arm lifted (as they believed) to strike, they proposed to acquaint the Government with the true situation, hoping that a peaceful and friendly adjustment of differences would follow. If this hope failed, they would lay waste their farms and fields, set fire to their towns and villages, and retire into the mountains or into the southern wilderness.

Governor Young's Position.—It was no part of Governor Young's purpose to resist the installation of his successor. While disgusted with the conduct of some of the officials sent from the East to represent the Government in Utah—"broken down political hacks," he called them, referring, of course, to men of the Judge Brocchus and Judge Drummond stamp, men of corrupt lives, flaunting and even boasting of their immorality; while he had no admiration for such characters, he still recognized the source of their authority, and had no thought of rebelling against the Government. He did not oppose the coming of the newly-appointed Federal officers; he opposed only the troops and what he feared would result from their entry into the Territory. Not having received from the Government any notice of the sending of the army, and knowing nothing of the instructions given to its commander, he could only judge of what it intended doing, in Utah, by the bitter memory of things done in Missouri and Illinois, when the mobs and militia of those States made common cause and undertook to "restore peace" in the "Mormon" cities and settlements—a "peace" synonymous with "desolation." Said he, "The United States is sending its armies here to hold us still until a mob can come and butcher us, as has been done before." "Liars have reported that this people have committed treason, and upon their misrepresentations the President has ordered out troops to assist in officering this Territory." "We have transgressed no law, neither do we intend to do so; but as for any

ties, you will take care that the summons be promptly obeyed. And in no case will you, your officers or men, attack any body of citizens, whatever, except on such requisition or summons, or in sheer self-defense."

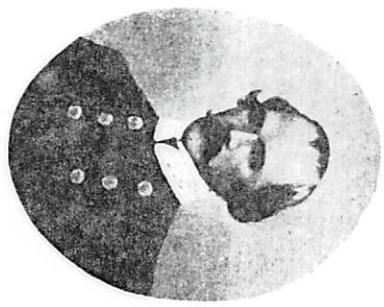
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The Expedition and its Commander.—The Army for Utah, twenty-five hundred choice troops, splendidly officered and equipped, set out for the West in the summer of 1857. Their commander, Albert Sidney Johnston, was a brilliant soldier, who had been spoken of as the probable successor to the aged General Winfield Scott, Commander-in-Chief of the United States Army. When ordered to Utah, Johnston was a colonel of cavalry and pay-master in the military service. Later, he was made a brigadier general. The command of the Expedition had first been given to General W. S. Harney, then in charge at Fort Leavenworth; but just before the time came to start he was ordered to remain in Kansas and operate for peace in that disaffected State. Johnston received his appointment late in August, and immediately repaired to Fort Leaven-

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The March Begins.—The vanguard of the troops, comprising eight companies of the Tenth Regiment and the entire Fifth Regiment of Infantry, under Colonel E. B. Alexander, moved westward on the 18th of July, and a few weeks later the two remaining companies of the Tenth Infantry, under Colonel C. F. Smith, followed. The artillery—Phelps' and Reno's batteries—went with the infantry. The cavalry, six companies of the Second Dragoons under Colonel Philip St. George Cooke, started on the 16th of September. This was the same Colonel Cooke who had commanded the Mormon Battalion in the Mexican War. With him traveled Governor Alfred Cumming and other recently-appointed Federal officers. General Johnston and staff, with a detachment of forty dragoons, in light spring wagons left the frontier post one day behind Colonel Cooke. Several large supply trains and herds of cattle for the army had been upon the plains since June or July. The expedition

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Utah's First "Gentile" Executive.—Governor Cumming, who was about to succeed Governor Young, was a native of Georgia, and had served the Nation in an official capacity among the Indians on the Upper Missouri. He was appointed to this Territory on the 11th of July, 1857. A true southern gentleman of the old type, chivalrous, brave, fair-minded, and with conservative, his selection at that critical period to preside over our troubled commonwealth proved in many ways most fortunate.

Captain Van Viet.—The first person to enter Utah from the ranks of the Expedition was Captain Stewart Van Viet, of the Commissary Department. He was guided by two "Mormon" scouts, having left his own escort at Ham's Fork, one hundred and forty-three miles distant. The date of the Captain's arrival at Salt Lake City was the 8th of September. His object in coming was to ascertain whether forage and fuel could be purchased for the troops while quartered within the Territory. In his official report to Captain Pleasanton, Assistant Adjutant General, Van Viet said:

"Immediately upon my arrival I informed Governor Young that evening of the day of my arrival for the next day. On the leading men of the city, called upon me at my quarters. The Governor received me most cordially, and treated me during my stay which continued some six days, with the greatest hospitality and kindness. In this interview he made known to me his views with regard to the approach of the United States troops, in plain and unmistakable language. * * * The next day as agreed upon, I called upon the Governor and delivered in person the letter with which I had been entrusted. In that interview, and in several subsequent ones, the same determination to resist to the death the entrance of the troops into the valley was expressed by Governor Young and those about him. The Governor informed me that there was abundance of everything I required for the troops, such as lumber, forage, etc., but that none would be sold to us.

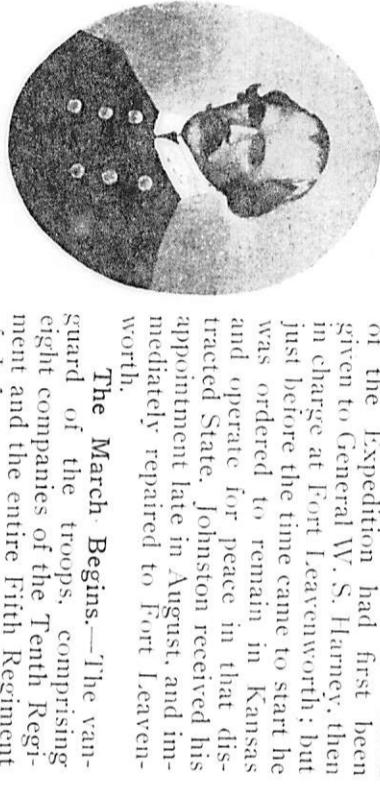
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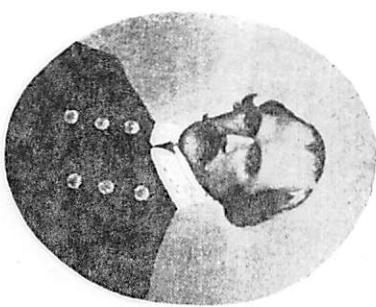
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and declared they should not enter the Territory. He then referred to the probability of an overpowering force being sent against them, and desired all present who would apply the torch to their buildings, cut down their trees, and lay waste their fields, to hold up their hands. Every hand, in an audience numbering over four thousand persons, was raised at the same moment. During my stay in the city I visited several families, and all with whom I was thrown looked upon the present movement of the troops toward their Territory as the commencement of another religious persecution, and expressed a fixed determination to sustain Governor Young in any measures he might adopt. From all these facts I am forced to the conclusion that the Governor and the people of Utah will prevent, if possible, the Army for Utah from entering their Territory this season. This, in my opinion, will not be a difficult task, owing to the lateness of the season, the smallness of our force, and the defenses that nature has thrown around the Valley of the Great Salt Lake."

Bloodshed Deprecated.—Captain Van Vliet became convinced that the people of Utah had been grossly misrepresented, and he expressed the belief that the Government would send an investigating committee to the Territory. Governor Young replied: "I believe God sent you here, and that good will grow out of it. I was glad when I heard you were coming. If we can keep the peace this winter, I feel sure that something will occur to prevent the shedding of blood."

A Deplorable Deed.—The irony of fate was never more painfully manifest than at that particular period. While these hopeful and humane sentiments were being uttered in Northern Utah, there was perpetrated, in a far away southern corner of the Territory, a most horrible deed—the Mountain Meadows massacre, at once the most tragic and most deplorable event in the history of the commonwealth. It occurred on the 11th of September, while Captain Van Vliet was still at Salt Lake City; but the news did not reach this point until nearly three weeks later. Even then the awful tale was not fully told. It was not a day of railroads and telegraphs, and the scene of the crime was three hundred miles from the Territorial capital, in an Indian country, beyond the outskirts of civilization.

XIII.

THE MOUNTAIN MEADOWS MASSACRE.

1857.

A Crime Against Utah.—The massacre at Mountain Meadows was not only a crime against its immediate victims; it was a crime against the commonwealth, whose fair fame was thus dragged in the mire, and whose people, through persistent misrepresentation, have been made to suffer unjustly the odium of a deed which all classes alike execrate and deplore. Limited space precludes here an exhaustive treatment of the subject, but the main facts connected with the terrible tragedy are as follows.

Emigrants for California.—About the time the news reached Utah that an army was marching toward the Territory, for the avowed purpose of suppressing what the Federal Administration styled "a state of substantial rebellion against the laws and authority of the United States," there arrived at Salt Lake City two companies of emigrants, one from Arkansas, and the other from Missouri, both on their way to Southern California. The Arkansas company was led by Captain Fancher, and the Missouri company by Captain Dukes. Fancher's train seems to have been made up for the most part of respectable and well-to-do people, but along with them went a rough and reckless set of men calling themselves "Missouri Wild Cats." The latter were a boisterous lot, and their conduct was probably one of the chief causes of the calamity that came upon them and their betters.

The "Missouri Wild Cats."—This "rough and ready" element is mentioned by Mr. Stenhouse ("Rocky Mountain Saints," pp. 424-428) as forming a party distinct from the Arkansas company. This upon information imparted to him by a gentleman friend, whom Mrs. Stenhouse, in her book ("Tell it All," p. 325) identifies as Eli B. Kelsey, who traveled with the emigrants from Fort Bridger to Salt Lake City. But Bancroft, the Western historian, discredits this statement (History of Utah, p. 545, Note 3), and gives credence to an account published in Hutchings' California Magazine (IV. 345) to the effect that "there were a few Missourians in the Arkansas party."*

*Mrs. Stenhouse, in her reference to Kelsey, says: "If I remember rightly, he said that the train was divided into two parts," a qualification indicating that the Stenhouses were not quite sure of what Kelsey had told them on this point. The truth appears to be, as Mr. Bancroft states, that there were Missourians in the Arkansas party; and this

of his duties in execution of orders from the War Department, there need be no apprehension that any person would have cause for complaint. He issued the desired proclamation, however, giving assurance that no one would be molested in person, in rights, or in the peaceful pursuit of his avocations.

The People Hesitate.—Most of the people who had gone south were at Provo or in other parts of Utah County. Some had reached Fillmore and points beyond.* Governor Cumming and the Peace Commissioners followed the fugitives as far as Provo, entreating them to return and pledging them complete protection. Still the people hesitated. They were waiting to see how the troops would conduct themselves.

Federal Troops Pass Through Salt Lake City.—On the 26th of June, General Johnston at the head of his little army descended Emigration Canyon and entered Salt Lake Valley. Passing through the all but deserted city, he crossed the Jordan River and encamped about two miles from the center of the town. Some of his officers and men were profoundly moved by what they beheld as they rode through the silent streets. Colonel Cooke, it is said, bared his head in honor of the brave men whom he had formerly led in their country's cause against Mexico. The troops preserved excellent order, and true to the pledge given by their commander, molested neither person nor property. They remained upon the Jordan three days, and then marched to Cedar Valley, thirty-six miles southward, where they founded Camp Floyd, so named after the Secretary of War.

End of the Episode.—About the last of June the people who had left their homes began to return to them, and the deserted towns and villages were again inhabited. Governor Cumming proclaimed peace, based upon the acceptance of the President's pardon, and so ended the Echo Canyon War.

*The press of the Deseret News was taken to Fillmore, and several numbers of the paper were issued there; Albert Carrington being editor. Willard Richards, the first editor of the News, had died March 11, 1854.

XVI.

CAMP FLOYD TIMES.

1858-1861

How Johnston's Army Affected Utah.—Johnston's army proved both a benefit and a detriment to Utah. The founding of Camp Floyd furnished employment to masons, carpenters, and other workmen, who built the Government barracks in Cedar Valley; and it also provided a near and ready market for the products of farm, ranch and dairy. Opportunities to profit by the presence of the troops were not lost sight of by enterprising settlers; contractors and merchants especially taking advantage of the commercial chance afforded. Suspension of travel over the plains, with the consequent breaking up of local business houses, had deprived the people of many comforts, which were now obtainable. In exchange for flour, grain, beef, butter, eggs, poultry, and dried fruits, they received cash, groceries, clothing, and other necessaries. In a material way the community was greatly benefited.

On the other hand various evils were introduced, traceable mainly to the camp followers who came with the troops. General Johnston's strict discipline could not always hold in check the unruly spirits included in or connected with his command. Discharged teamsters and other ex-employes from the military post were a source of much trouble to the community. Rough characters flocked in from East and West, and vices hitherto unfamiliar in Utah began to flourish, in spite of law, public sentiment, and a continually augmenting police force. Now and then a reputable citizen would fall beneath the knife or bullet of a drink-crazed desperado, but more frequently the ruffians slew each other, in which event the mourning was not widespread. Some of the evil was directly chargeable to officers and soldiers at Camp Floyd. More than one unfortunate woman dated her ruin from the hour she formed acquaintance with such characters. The Indians in that vicinity became woefully corrupt as a result of their proximity to the garrison.*

*Governor Cumming, in a report to the Secretary of State, drew the following character portrait of the people of Utah at that time:

"Persons unbiased by prejudice who have visited this Territory will, I think, agree in the opinion that a community is seldom seen more marked by quiet and peaceable diligence than that of the Mormons."

"After the passage of the army, hundreds of adventurers were attracted to these valleys, and met here some congenial spirits.

The

Spencer-Pike Homicide.—There was some friction between civilians and soldiers. One of the tragic events of the time was the killing of Sergeant Ralph Pike by Howard Spencer, in retaliation for an assault committed by the former upon the latter. Pike was a young man, Spencer little more than a boy, and Rush Valley, west of Camp Floyd, the scene of the provocation. In the northern part of that valley, near the line of the Government reserve taken possession of by General Johnston, the Spencer-Little Ranch was located. To that place the Sergeant, with a squad of soldiers, came one evening (March 22, 1859) and ordered Spencer to move his cattle off some land where the men from camp purposed mowing hay. Receiving the reply that it was too dark to collect the cattle, and that they would not be moved till morning, Pike, with his gun barrel, struck Spencer a fearful blow on the head, inflicting an almost fatal wound. Recovering after many weeks, but never entirely regaining himself physically or mentally, the victim of the assault met and shot his assailant, who had come from Camp Floyd to Salt Lake City to answer for his offense in the District Court. The shooting took place on Main Street, August 11th, in the presence of a military guard, with officers, from the post. Spencer succeeded in escaping. Pike was carried into the Salt Lake House, where a few days later he died.*

The Cedar Fort Raid.—Spencer being a "Mormon," some of the Camp Floyd soldiers, in revenge for the loss of their comrade, made a raid, the night after Pike's death, upon Cedar Fort, a little settlement six miles north of the post. They set fire to haystacks and sheds, and shot at those who tried to extinguish the flames. Fortunately nobody was hurt, though the whole village was terrorized. A committee of citizens reported the affair to General Johnston, who offered to send a guard to protect the settlement. He declared, however, that

Banded together for rapine and acts of violence, they have stolen large herds of horses and mules. Many of these men, maddened by intemperance, or rendered desperate by losses at the gaming table, or by various other causes, have shed each other's blood in frequent conflicts, and secret assassinations. These lawless and bloody deeds are committed by them almost daily with impunity, and when their atrocity and frequency shock the public mind, it has become the custom with a certain set of people to exclaim against the people of Utah; but it is an injustice to impute the acts of these desperadoes to the community in general. With an equal show of justice might they be attributed to the inhabitants of the States and Territories whence these men have so recently emigrated."

*The Salt Lake House, Utah's principal hotel at that time, stood on the east side of Main Street, about midway between First and Second South streets.

CAMP FLOYD TIMES.

he could not control the soldiers while Spencer was at large.* **New Federal Officers.**—Soon after Governor Cumming was installed, the Federal Judges who had come with, or immediately followed, the troops, were assigned to their respective districts, and the machinery of the courts was set in motion. Chief Justice D. R. Eckels, having qualified by taking the oath of office before Probate Judge Elias Smith, July 19, 1858, took up his residence at Camp Floyd. In the autumn of that year Associate Justice Charles E. Sinclair opened court at Salt Lake City. The other Judge, John Cradlebaugh, had not then arrived. The remaining Federal officers were John Hartnett, Secretary; Alexander Wilson, United States Attorney; Peter K. Dotson, United States Marshal; and Jacob Forney, Superintendent of Indian Affairs. The last-named office had been separated from that of Governor. All the new appointees were "Gentiles," and, with the single exception of Marshal Dotson, non-residents of Utah.

Judge Sinclair and Attorney Wilson.—The first move on the judicial chessboard was not reassuring to the people who had abandoned their exodus and returned to their homes, relying upon the promises made to them that the amnesty extended by President Buchanan would be held sacred. In charging the Grand Jury of his court, Judge Sinclair urged them to indict Ex-Governor Young, General Wells, and other leading citizens for treason. He held that the President's pardon, while "a public act in the history of the country," "ought to be brought judicially by plea, motion, or otherwise."[†]

The United States Attorney, Mr. Wilson, refused to reopen the wound that was then healing. He would not present bills for indictments for treason, taking the ground that the Echo Canyon incident was closed; the President's pardon having been presented by the Commissioners, and accepted by the people, whereupon Governor Cumming had proclaimed peace. Mr. Wilson was commended by the Authorities at Washington for his stand upon this question.

*Pike had reported that Spencer assaulted him with a pitchfork whereupon he "broke his head in self-defense." Spencer's friends denied the truth of this statement, affirming that the pitchfork, which was in Spencer's hands when Pike struck him, was interposed in an attempt to break the force of the blow from the Sergeant's gun barrel.

Many years later, Howard Spencer surrendered to the law, and was tried for murder in the District Court at Salt Lake City. A mixed jury of "Mormons" and "Gentiles" pronounced him not guilty.[‡] Says Mr. Steenhouse, whom I also quote above: "He [Sinclair] wanted to bring before his court Brigham Young and the leading Mormons to make them admit that they had been guilty of treason and humbly accept from him the President's clemency." (Rocky Mountain Saints, page 402.)

Judge Eckels, while at Camp Scott, had called the attention of his Grand Jury to the existence of polygamy in Utah, and had expressed the belief that legal indictments might be found upon that score. Polygamy, he said, was prohibited by the law of Mexico, and that law was not changed, so far as he could learn, by the cession of this region to the United States.* Moreover, he held that polygamy might be punished as adultery under the law of the Territory.† Judge Sinclair also mentioned the subject of polygamy to the Grand Jury of his court, but does not seem to have been as confident as the Chief Justice that it could be punished in the manner suggested. At all events he did not demand any polygamy indictments, nor were any returned by the Grand Jury.

General Ferguson's Case.—General James Ferguson was indicted on a charge of intimidation, he being one of the attorneys accused of threatening Judge Stiles in the District Court at Salt Lake City; an act cited to sustain the theory of an insurrection and justify the sending of troops to Utah. The other accused attorneys were Jesse C. Little and Hosea Stout. The charges against them were dismissed. General Ferguson was tried before a jury of "Mormons" and "Gentiles" and acquitted. An outgrowth of the same incident was an effort by D. H. Burr, a "Gentile" lawyer, to have General Ferguson disbarred; but nothing came of it, the case being taken out of court by the prosecuting witness.

Sentenced to Die on Sunday.—Judge Sinclair's course in Utah was unsatisfactory to all parties. According to Mr. Stenhouse, it was "only memorable for one thing—he sentenced the first white man that was ever hanged in Utah to be executed on a Sunday! Of course the day had to be changed." The man sentenced was Thomas H. Ferguson, who had shot and killed his employer, Alexander Carpenter. Both were

*Says B. H. Roberts upon this point: "It is quite evident, however, that neither the jurists nor the legislators of the United States regarded this reasoning as sound, * * * since before attempting any action against the plural marriage relations countenanced by the 'Mormon' Church, they considered special enactments of Congress for the Territories necessary; and at no time invoked either the old Spanish law or the common law against this institution of marriage. Besides, had either the common or old Spanish law been invoked against the plural marriage features of the 'Mormon' system, the question would still remain as to whether the 'bigamy' or 'polygamy' of those laws described the 'plural wife system.' (History of the Mormon Church, "Americana" for October, 1913, pp. 943-944. Note.)

†Attempts were made in after years, and under the local laws, to punish polygamy or plural marriage as adultery; but those attempts were unsuccessful.

non—"Mormons." The killing took place September 17, and the execution October 28, 1859.*

Judge Cradlebaugh.—What threatened to be a serious clash between the civil and the military powers arrayed Governor Cumming, with the citizens, on one hand, and the Federal Judges, with General Johnston and the troops, on the other. It occurred in the spring of 1859. Judge Cradlebaugh had arrived in Utah during the previous November, but did not begin judicial proceedings until March. The seat of his district was Fillmore, but he opened court at Provo, and summoned to his assistance several companies of soldiers from Camp Floyd.

Judge Cradlebaugh proposed to investigate the Mountain Meadows Massacre; also what are known as "the Springville murders"—the killing, in March, 1857, of William R. Parrish, his son Beason, and G. G. Potter, by persons unknown. Expecting opposition, the Judge deemed the presence of the troops necessary for his protection and that of jurors and witnesses. His evident purpose was to fasten guilty responsibility upon the "Mormon" Church. In charging the Grand Jury, he virtually accused the Church authorities of directing those crimes, and the Utah Legislature with having enacted laws to prevent the judiciary from bringing such offenders to justice.†

Military Versus Civil Authority.—In response to the judicial summons, which was promptly honored by the post commander, a company of infantry under Captain Heth surrounded and took possession of the Provo Seminary, in which building the court was held. Subsequently eight additional companies of infantry, one of artillery, and one of cavalry, under Major Paul, were stationed within sight of that building. Against this action, Mayor Bullock and the City Council, with other citizens, protested, but their protest was unheeded by Judge Cradlebaugh. They therefore appealed to Governor Cumming, who requested General Johnston to withdraw the troops. The commander refused to comply with this request, and the Governor then issued a proclamation,

*The condemned man, in his speech from the scaffold, declared that the Judge was drunk when he sentenced him to die on the Sabbath day. This may or may not have been the case. It is a fact, however, that Judge Sinclair was notoriously intemperate, often under the influence of liquor even while on the bench.

†Said Judge Cradlebaugh: "They have provided the probate courts with criminal jurisdiction, and it would seem that the whole machinery was made so that they should be brought before that court and tried; and the fact that there is no additional legislation to provide for bringing them before this court proves that it was done to prevent."

setting forth the facts, and protesting against the military movement. It had been made, he said, without consultation with him, and was in opposition to the letter and spirit of his instructions from the Government. He stated that it had a tendency to terrify the inhabitants and disturb the peace of the Territory, also to subvert the ends of justice by intimidating witnesses and jurors.*

Judge versus Grand Jury.—After a heated wrangle with the Grand Jury, which had failed to find the indictments that he most desired, Judge Cradlebaugh summarily dismissed that body and adjourned his court. He caused to be entered upon the docket these words: "The whole community presents a united and organized opposition to the administration of justice."[†]

The Grand Jury protested against its untimely and dishonorable discharge. In their published protest the jurors stated that they were surrounded, during their deliberations, by a detachment of the army, and that army officers were quartered within hearing of the evidence of witnesses who were being examined in the jury room. They had, however, presented indictments for offenses against the laws of the United States, but these had been treated with contempt and the prisoners liberated without trial. Witnesses subpoenaed by the Grand Jury had been treacherously arrested, and the

* Governor Cumming annexed to his proclamation the following extract from the instructions received by him for his guidance while Governor of Utah: "It is your duty to take care that the laws are faithfully executed, and to maintain the peace and good order of the Territory, and also to support by your power and authority the civil officers in the performance of their duties. If these officers, when thus engaged, are forcibly opposed, or have just reason to expect opposition, they have a right to call such portions of the posse comitatus as they may deem necessary. If circumstances should lead you to believe that the ordinary force at the disposal of such officers will be insufficient to overcome any resistance that may be reasonably anticipated, then you are authorized to call for such number of the troops as the occasion may require, who will act as a posse comitatus, and while thus employed they will be under the direction of the proper civil officer, and act in conformity with the instructions you may give as the Chief Executive Magistrate of the Territory."

[†] Following is a portion of Judge Cradlebaugh's address to the Grand Jury: "If it be expected that this court is to be used by the community as a means of protecting it against the peccadilloes of Gentiles and Indians, unless the community will punish its own murderers, such expectation will not be realized. When this people come to their reason, and manifest a disposition to punish their own high offenders, it will then be time to enforce the law also for their protection. If this court cannot bring you to a proper sense of your duty, it can at least turn the savages in custody loose upon you." Shortly after the prisoners were set free. Two of them were Indians, charged with an atrocious crime.

jury deprived of their evidence. Yet notwithstanding they were thus trammelized by the court, they had honored their oath, and were endeavoring to faithfully discharge their duties, when they "were dismissed by his honor with a slanderous and insulting harangue."

Attempt to Arrest President Young.—The next exciting incident was the attempted arrest of President Brigham Young, who had been accused of complicity in an act of counterfeiting. The real criminals were men from Camp Floyd, who had employed a young engraver at Salt Lake City to duplicate certain plates used by the post quartermaster for notes drawn upon the Assistant United States Treasurers in St. Louis and New York. The fraud being discovered, the principal offender, one Brewer, turned state's evidence, shifting the blame from his own shoulders to those of the engraver, who was comparatively innocent. The military authorities were confident that they also had a case against President Young, and some of them were jubilant at the prospect.

Governor Cumming Interposes.—The necessary writs having been issued, officers from Camp Floyd called upon Governor Cumming to solicit his co-operation. To the arrest of the maker of the plates the Governor offered no objection—he even helped to procure it, and due punishment followed—but he refused to encourage or permit the arrest of President Young, the charge against him being absolutely groundless.*

It was now rumored that General Johnston would send two regiments, with artillery, to enforce the writ of arrest against the "Mormon" leader. A breach was to be made in the stone wall surrounding his premises, and he would then be taken by force and carried to Camp Floyd. Governor Cumming informed General Wells of this report, and directed him to hold the militia in readiness to repel any such assault. But the regiments did not come.

Judge Cradlebaugh and Superintendent Forney.—Judge Cradlebaugh, after adjourning court in the summary manner described, visited Southern Utah, accompanied by a United States deputy marshal and a detachment of Camp Floyd troops under Captain Campbell. They collected all the infor-

* It transpired that someone in the President's Office had furnished the paper for the counterfeit notes, and the young engraver, who was a "Mormon," had previously done work on the plates for the Deseret Currency. This was the extent of the so-called "complicity." U. S. Marshal Dotson seized the Deseret Currency plates, mistaking them for counterfeit accessories. Discovering his error, he returned the plates, though in a ruined condition, and subsequent legal proceedings compelled him to pay damages in the sum of \$2,600. The young engraver, pardoned out of the Penitentiary, redeemed himself by a career of strict probity.

mation possible respecting the Mountain Meadows tragedy, which the Judge was still determined to place to the account of the leaders of the "Mormon" Church. His zeal in that direction, and that of the military authorities in the counterfeit-forgery case, caused Superintendent Forney to remark in a report to the United States Commissioner of Indian Affairs: "I fear, and I regret to say, that with certain parties here there is a greater anxiety to connect Brigham Young and other Church dignitaries with every criminal offense, than diligent endeavor to punish the actual perpetrators of crime." Mr. Forney had also been through Southern Utah, and had gathered up the survivors of the Massacre—seventeen small children—that they might be returned to their friends in Arkansas. The report above cited was made in August, 1859.*

Attorney-General Black to the Utah Judges.—Meanwhile an important message had arrived from Washington. It was

*Many years later, when the War Department was being urged by Federal officers in Utah (Judge Hawley and Governor Woods) to establish a military post near Beaver, the seat of the Second District Court, President Young wrote to Secretary Belknap as follows:

"In 1858, when Alfred Cumming was Governor of Utah Territory, I pledged myself to lend him and the court every assistance in my power, in men and means, to thoroughly investigate the Mountain Meadows Massacre, and bring, if possible, the guilty parties to justice. That offer I have made again and again, and although it has not yet been accepted I have neither doubt nor fear that the perpetrators of that tragedy will meet their just reward. But sending an armed force is not the means of furthering the ends of justice, although it may serve an excellent purpose in exciting popular clamor against the Mormons.

"In 1859, Judge Cradlebaugh employed a military force to attempt the arrest of those alleged criminals. He engaged in all about four hundred men, some of whom were civilians, reputed gamblers, thieves, and other camp followers, who were doubtless intended for jurors (as his associate, Judge Eckels, had just done in another discrediting hen roosts, and rendering themselves obnoxious to the citizens on their line of march). Had Judge Cradlebaugh, instead of peremptorily dismissing his grand jury and calling for that military posse, allowed the investigation into the Mountain Meadows Massacre to proceed, I have the authority of Mr. Wilson, U. S. Prosecuting Attorney, for saying the investigation was proceeding satisfactorily; and I firmly believe, if the county sheriffs, whose legal duty it was to make arrests, had been lawfully directed to serve the processes, that they would have performed their duty and the accused would have been brought to trial. Instead of honoring the law, Judge Cradlebaugh took a course to screen offenders, who could easily hide from such a posse under the justification of avoiding a trial by court martial.

"It is now fourteen years since the tragedy was enacted, and the courts have never tried to prosecute the accused; although some of the judges, like Judge Hawley, have used every opportunity to charge the crime on prominent men in Utah, and influence public opinion against our community."

from Honorable Jeremiah S. Black, Attorney-General of the United States, and was in reply to a letter from Judges Sinclair and Cradlebaugh, who had laid before the Attorney-General the matters in controversy between them and Attorney-Cumming, requesting instructions from the Department of Justice. Part of Judge Black's epistle, dated May 17, 1859, ran as follows:

"The condition of things in Utah made it extremely desirable that the Judges appointed for that Territory should confine themselves strictly within their own official sphere. The Government had a District Attorney, who was charged with the duties of a public accuser and a Marshal, who was responsible for the arrest and safe-keeping of criminals. For the Judges there was nothing left, except to hear partially, according to the evidence adduced on both sides. * * * *

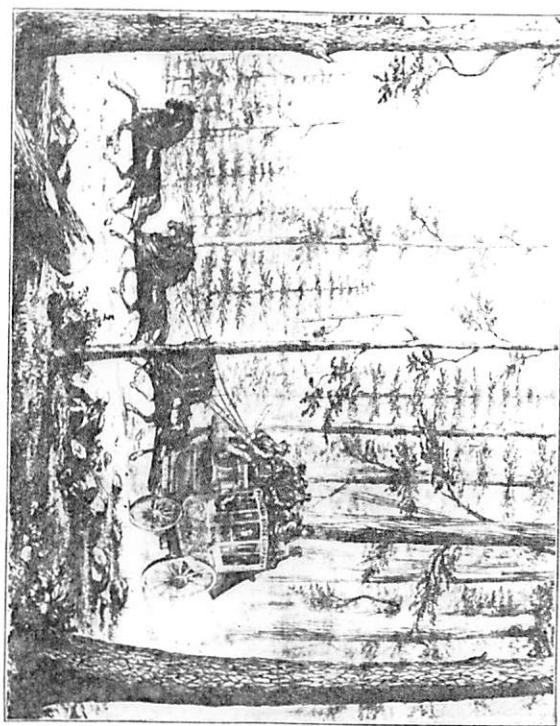
"The Governor is the Supreme Executive of the Territory. He is responsible for the public peace. From the general law of the land, the nature of his office, and the instructions he received from the State Department, it ought to have been understood that he alone had power to issue a requisition for the movement of troops from one part of the Territory to another—that he alone could put the military forces of the Union and the people of the Territory into relations of general hostility with one another. The instructions given to the Commanding General by the War Department are to the same effect. That the Governor of the Territory alone has power to issue a requisition upon the Commanding-general for the whole or part of the army: (2) That there was no apparent occasion for the presence of troops at Provo: (3) That if a rescue of the prisoners in custody had been attempted, it was the duty of the Marshal and not of the Judge, to summon the force which might be necessary to prevent it: (4) That the troops ought not to have been sent to Provo without the concurrence of the Governor, nor kept there against his remonstrance: (5) That the disregard of these principles and rules of action has been in many ways extremely unfortunate."<*

This put a stop to the judicial-military operations of the Federal Judges. Thenceforth they confined themselves to their proper sphere, leaving the duties of Prosecuting Attorney and Marshal to be discharged by those functionaries, without magisterial interference. Judges Eckels and Sinclair,

*Chief Justice Eckels and General Johnston had also sent communications to Washington, the former addressing the Secretary of State and the latter the head of the War Department, relative to affairs in Utah. Secretary Cass, after perusing the letter from Judge Eckels, wrote to Governor Cumming for a statement of facts, which was furnished. It did not altogether agree with the representations of the Chief Justice. Secretary Floyd's reply to General Johnston supported the views of the Administration already expressed by Judge Black. The latter, answering letters from U. S. Attorney Wilson, approved the course that he had taken and urged him not to allow the Judges to usurp his functions. "If they will insist upon doing the duties of Prosecuting Attorney and Marshal, as well as their own, everything will be thrown into confusion," remarked the Attorney General.

whose characters were not such as to render consistent any suggestion they might make for the correction of "Mormon" morals, soon dropped out of sight. Judge Cradlebaugh was next heard of in Carson Valley, having been appointed to the judicial district comprising that section, which, a few years later, was cut off from Utah and converted into the Territory of Nevada, with Cradlebaugh as its first Delegate in Congress.

Camp Floyd Indignant.—Camp Floyd seethed with indignation over the turn affairs had taken. At a mass meeting held there in July, 1859, an address was issued embodying a declaration that the "Mormons" were still disloyal, and that President Buchanan had done a great wrong in withdrawing

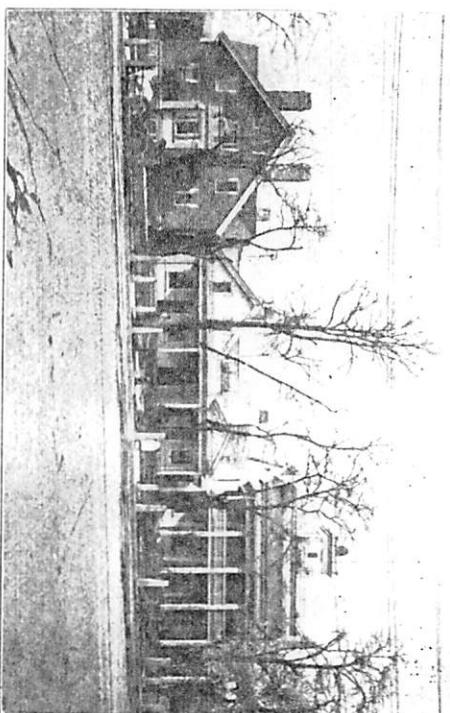


THE OVERLAND STAGE COACH.

from the courts the protecting power of the military. The agitation developed into a movement to have Governor Cumming put out of office; and the movement might have succeeded, through General Johnston's influence at Washington, but for a counter influence exerted by Colonel Thomas L. Kane.*

Horace Greeley in Utah.—In the summer of 1859 Horace

* About that time Colonel Kane delivered in the East a public address upon Utah affairs, in the course of which he eulogized Governor Cumming as the man of all men for the position he held. The address, widely published, made such an impression at Washington that the tide of sentiment was turned in favor of Utah's Executive.



LION HOUSE. PRESIDENT'S OFFICE. BEE HIVE HOUSE.

Mr. Greeley, under date of July 13, 1859, recounts his first interview with Brigham Young. Part of it follows:

"We were very cordially welcomed at the door by the President, who led us into the second-story parlor of the largest of his houses (he has three†), where I was introduced to Heber C. Kimball, General

*Later, another line of stage coaches ran from Salt Lake City through Fillmore, Parowan, and Cedar City, to San Diego.
† Doctor Bernhisel, then nearing the close of his second term in Congress, was about to be succeeded by Captain William H. Hooper, elected Delegate in August, 1859. Hooper, during the Echo Canyon War period, had acted as Secretary of Utah pro tem.
‡ The White House, the Lion House, and the Bee-Hive House, all three still standing (1916) on South Temple Street.

Greeley, the founder and editor of the New York Tribune, arrived in the Territory. From the frontier the famous journalist had traveled westward by means of Ben Holladay's mail and passenger stage line, which was then running between St. Joseph, Missouri, and Sacramento, California, with Salt Lake City as a station on the route. The line had been established soon after the founding of Camp Floyd.* Mr. Greeley reached the Utah capital on the evening of July 10th, and remained a week or more, studying local conditions. During his stay he had several extended interviews with President Brigham Young. The New York editor was introduced to the "Mormon" leader by Delegate Bernhisel.†

"Two Hours with Brigham Young."—In his book entitled "An Overland Journey from New York to San Francisco" —a compilation of letters written by him to his paper—

Wells, General Ferguson, Albert Carrington Elias Smith, and several other leading men in the Church, with two full-grown sons of the President. After some unimportant conversation on general topics, I stated that I had come in quest of fuller knowledge respecting the doctrines and polity of the Mormon Church, and would like to ask some questions bearing directly on these, if there were no objections. President Young avowing his willingness to respond to all pertinent inquiries, the conversation proceeded substantially as follows:

"H. G.—Am I to regard Mormonism (so-called) as a new religion,

"B. Y.—We hold that there can be no true Christian church without a Priesthood directly commissioned by and in immediate communication with the Son of God and Savior of mankind. Such a church is that of the Latter-day Saints, called by their enemies Mormons; we know no other that even pretends to have present and direct revelations of God's will.

"H. G.—Am I to infer that Utah, if admitted as a member of the Federal Union, will be a slave State?

"B. Y.—No; she will be a free State. Slavery here would prove useless and unprofitable. I regard it generally as a curse to the masters. I myself hire many laborers, and pay them fair wages; I could not afford to own them. I can do better than subject myself to an obligation to feed and clothe their families, to provide and care for them in sickness and health. Utah is not adapted to slave labor.*

"H. G.—Let me now be enlightened with regard more especially to your church polity. I understand that you require each member to pay over one-tenth of all he produces or earns to the Church.

"B. Y.—That is a requirement of our faith. There is no compulsion as to the payment. Each member acts in the premises according to his pleasure, under the dictates of his own conscience.

"H. G.—What is done with the proceeds of this tithe? "B. Y.—Part of it is devoted to building temples and other places of worship; part to helping the poor and needy converts on their way to this country; and the largest portion to the support of the poor among the Saints.

"H. G.—Is none of it paid to bishops and other dignitaries of the Church?

"B. Y.—Not one penny. * * *

"H. G.—How, then, do your ministers live?

"B. Y.—By the labor of their own hands, like the first apostles. Every bishop, every elder, may be daily seen at work in the field or the shop, like his neighbors. * * * Even our lawyers (pointing to General Ferguson and another present, who are the regular lawyers of the Church), are paid nothing for their services. * * * I am called rich, and consider myself worth two hundred and fifty thousand dollars; but no dollar of it was ever paid me by the Church.

* "H. G.—What do you say of the so-called Danites, or Destroying Angels, belonging to your Church?" "B. Y.—What do you say? I know of no such band, no such persons or organization. I hear of them only in the slanders of our enemies.

* "H. G.—How general is polygamy among you?

—————
*President Young acquiesced in the divine dispensation that made the children of Ham servants to the descendants of Shem and Japheth; but he believed that the curse pronounced upon Ham would yet be removed from his posterity.

"B. Y.—I could not say. Some of those present (heads of the Church) have each but one wife; others have more; each determines what is his individual duty.*

Honored by the Press.—The distinguished visitor was the guest of honor at a reception and banquet given by the Deseret Typographical and Press Association. Utah had at that time two newspapers—"The Deseret News," representing the "Mormon" community, and "The Valley Tan," which voiced the views of the "Anti-Mormons." This paper was established in November, 1858; its first editor being Kirk Anderson, and its principal owner, Secretary Hartnett. Though published in Salt Lake City, most of its circulation was at Camp Floyd, where the earliest numbers had been issued. A

third journal, "The Mountaineer," made its appearance a few weeks after Mr. Greeley's departure. Its editors and proprietors were James Ferguson, Seth M. Blair, and Hosea Stout. All three papers issued weekly. For the "News" and the "Mountaineer" the terms of subscription were six dollars a year; for the "Valley Tan," ten dollars.



HORACE GREELEY

The chapter in which this dialogue occurs is entitled "Two Hours with Brigham Young." Says Mr. Greeley: "He [Young] spoke readily, not always with grammatical accuracy, but with no appearance of hesitation or reserve, and with no apparent desire to conceal anything; nor did he repel any of my questions as impertinent. He was very plainly dressed in thin summer clothing, and with no air of sanctimony or fanaticism. In appearance he is a portly, frank, good-natured, rather thick-set man of fifty-five, seeming to enjoy life, and to be in no particular hurry to get to heaven. His associates are plain men, evidently born and reared to a life of labor, and looking as little like crafty hypocrites or swindlers as any body of men I ever met. The absence of cant or snuffie from their manner was marked and general." In another chapter Greeley tells of "opportunities for studying the 'Mormons' in their social, or festive, and in their devotional assemblies," and goes on to say: "I had been told that the Mormons are remarkably ignorant, superstitious, and brutalized; but the aspect of these congregations did not sustain that assertion. Nor do I accept the current Gentile presumption, that the Mormons are an organized banditti—a horde of robbers and assassins." "I conclude that polygamy, as it was a graft on the original stock of Mormonism, will be outlived by the root—that there will be a new revelation, ere many years, whereby the Saints will be admonished to love and cherish the wives they already have, but not to marry any more beyond the natural assignment of one wife to each husband."

By Way of Camp Floyd.—Greeley's further route westward was by way of Camp Floyd, which he describes as "on the west side of a dry valley, perhaps ten miles wide by thirty miles long, separated by high hills from Lake Utah, some fifteen to twenty miles distant on the northeast." The camp was "formed of low and neat adobe houses, generally small." The lumber for roofs and finishings had been "supplied by Brigham Young and his son-in-law, from the only canyon opening into Salt Lake Valley which abounds in timber fit for sawing." The profit on the lumber was "probably over \$50,000, the price being seventy dollars per thousand feet, delivered." The total cost of the military post to the Government, was about \$200,000.*

The Pony Express.—The news service between the Missouri frontier and the Pacific Coast was greatly improved in the spring of 1860, by the establishment of the Pony Express. William H. Russell of St. Louis, and associates, originated this enterprise, the purpose of which was to supply to the Great West, as far as possible, the need of the electric telegraph. The Pony Express was carried on by means of picked riders with relays of swift saddle horses, capable of making 250 miles in twenty-four hours. The ordinary mail coach could make but 100 or 125 miles in that time. This

*Greeley's opinion of the policy that kept the Federal troops in Utah is thus set forth in the "Overland Journey": "Very general is the inquiry in the army. Why were we sent here? And why are we kept here?" "What purpose does it subserve, beyond enriching contractors and Mormon magnates, at its own cost and that of the Federal Treasury? Every article eaten, drank, worn, or in any manner bought by the soldiers, costs three to ten times its value in the States * * * I have not so bad an opinion of the Mormons as that entertained by the army. While I consider the Mormon religion, so-called, a delusion and a blight, I believe many of its devoted adherents, including most of those I have met, to be pure-minded, well-meaning people; and I do not believe that Mormons generally delight in plunder or murder. * * * But I concur entirely in the conviction of the army, that there is no use in its retention here under existing orders and circumstances, and that three or four companies of dragoons would answer every purpose of this large and costly concentration of troops. The army would cost less almost anywhere else, and could not anywhere be less useful. A suspicion that it is kept here to answer pecuniary ends is widely entertained. It is known that vast sums have been made out of its transportation by favored contractors."

General Winfield Scott seems to have been of the same opinion. In his Autobiography (p. 604) he claims to have opposed the sending of the army to Utah on "the general ground of inexpediency," and especially because it was too late, when it was concluded to send them, for the troops "to reach their destination in comfort or even in safety." Scott believed that the Utah Expedition was set on foot "to give occasion for large contracts and expenditures," to "open a wide field for fraud and peculation."

innovation brought the Utah capital into a six-days communication with the frontier, and within seven days of New York and Washington. The first pony rider from the West reached Salt Lake City on the 7th of April. The first from the East arrived two days later. Both expresses had started on



THE PONY EXPRESS.

the night of April 3rd, one from Sacramento and the other from St. Joseph.*

Burton's "City of the Saints."—Late in the summer of that year came another notable visitor to receive and record impressions concerning the people of Utah and their institutions. It was Captain Richard F. Burton, a British army officer and world-wide traveler, whose book, "The City of

*The Pony Express carried dispatches and important letters, the rate for which was from one dollar to five dollars per half ounce. Written on the thinnest paper procurable, the messages were stowed in saddle bags, or in pouches on the person of the rider. The relays were kept at the stations of the Overland Stage Line. A horseman coming in at full gallop would jump from his jaded steed, leave it in the care of grooms waiting to receive it, and, flinging himself across a fresh mount, be off again with almost the speed of the wind. No one rider, of course, could make the through trip without sleep, and at certain points fresh riders were supplied. Eighty riders and four hundred horses constituted the entire equipment; eight messengers being kept in the saddle. While the Pony Express did not originate in Utah, the Territory furnished a full share of the riders. To secure the full advantages of the service, clubs were organized along the route—one at Salt Lake City, with Brigham Young as its president. Among the most noted of the express riders was Colonel William F. Cody—"Buffalo Bill."

the Saints," published after his visit to the Territory, is one of the fairest productions of its kind that has appeared in print. Captain Burton arrived at Salt Lake City on the 24th of August, and remained in Utah one month, spending part of the time at Camp Floyd. Like Editor Greeley, this noted traveler had crossed the Rocky Mountains for the purpose of visiting the Great Basin and the Pacific Coast.*

Rumors of War.—News of a stirring nature soon came by the Pony Express. The air was filled with rumors of war. Events in the East had been hurrying to a crisis, and the great conflict that was destined to split the Nation asunder, was just about to begin. The immediate result to Utah was the withdrawal of the Federal troops from the Territory.

Camp Floyd Abandoned.—As early as February, 1860, General Johnston had set out for Washington, going by way of Southern California and the Isthmus of Panama. Colonel Smith, and after him, Colonel Cooke, succeeded to the position of post commander. By Cooke's order, in February, 1861, the name Camp Floyd was changed to Fort Crittenden; Secretary Floyd having manifested by that time his strong anti-Union tendencies.† Many of the troops had already been ordered to Oregon and New Mexico; in July the remainder took up their march for the East.‡

*Burton divided the inhabitants of Great Salt Lake City into three classes—"Mormons," "Gentiles," and "Anti-Mormons," and attributed to them "three distinct opinions concerning, three several reasons for, and three diametrically different accounts of, everything that happens."

†Many believed that Johnston's army would never have been sent to Utah, but for the plotting of Secessionist leaders at Washington. President Buchanan denied the right of a State to secede; but the Secretary of War, John B. Floyd, was a strong Secessionist and became a Confederate general. As a member of the President's Cabinet, he is said to have done all in his power to scatter the armed forces of the Union in order to facilitate the withdrawal of the Southern States and enable them to seize the Government arsenals and public military stores within their borders. (Blaine's "Twenty Years in Congress," Bancroft's "History of Utah," p. 504; "Library of Universal Knowledge," Vol. 6, p. 73.)

‡Some of these departing soldiers—those ordered to New Mexico—were guilty of a dastardly outrage. They went by way of Provo River, Echo Canyon, Fort Bridger and Fort Laramie, marching in two sub-columns under Colonel Morrison and Major Lynde; a large contingent of camp followers, including women and gamblers, going with them. On Yellow Creek, near the head of Echo Canyon, William and James Hennifer having entered the camp, were set upon and shamefully treated. The former was stripped of his clothing and whipped and beaten nearly to death at the instance of Assistant Surgeon Edward Covey and Lieutenant Ebenezer N. Gay. It was an act of revenge. Covey had been arrested at Salt Lake City in November, 1858, for riot and assault, and Hennifer was one of the officers who had taken him into custody.

Before the post was abandoned, immense stores of provisions and army supplies were offered for sale by the military authorities, and disposed of at an enormous sacrifice. Goods worth four million dollars, were sold for one hundred thousand. Far-sighted buyers made their fortunes. Great quantities of arms and ammunition, which could not be transported, were destroyed by direction of the War Department.

Farewell Courtesies.—General Johnston did not visit Salt Lake City after passing through with his army in the summer of 1858. Consequently he and Brigham Young never met. Colonel Cooke, Colonel Alexander, Captain Marcy, and Quartermaster Crossman accepted an invitation to call upon the Ex-Governor prior to their departure; an invitation extended by Hiram B. Clawson, the President's son-in-law, and purchasing agent at the post. These officers presented to the "Mormon" leader the flag-staff from which the Stars and Stripes had floated over Camp Floyd; and for many years this interesting relic stood near the White House, on the hill east of the Eagle Gate, where it continued to hold aloft the National Banner.*

Governor Cumming's Departure.—One departure during that period must have caused general regret. It was that of Governor Cumming, whose brave and kindly nature, coupled with a straightforward, independent course, had won the confidence and lasting friendship of the people he had faithfully served. His term of office ended in July, 1861, but as early as the 17th of May he bade Utah farewell, leaving the Executive office in charge of Secretary Francis H. Wootten. The Governor's destination was his old home in Georgia.

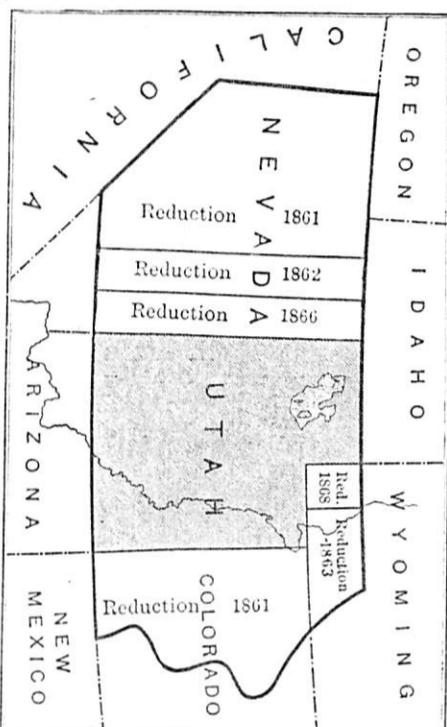
*General Johnston passed to a tragic ending. He had termed the people of Utah "rebels." Himself a "rebel" now, wearing the gray instead of the blue, commanding a Confederate in lieu of a Union army, he met Grant at Shiloh, April 6, 1862, and fell at the crisis of that terrible battle, which, but for his death, might have been won for the South.

XVII.

THE CIVIL WAR PERIOD.

1861-1865.

Utah Cut Down.—Just before the beginning of the Civil War, Utah parted with that portion of her domain out of which Congress created the Territory of Nevada. It was March 2nd, 1861, when President Buchanan affixed his signature to the Act organizing that Territory. Nevada's eastern limit, which became Utah's western boundary, was placed at the thirty-ninth meridian from Washington.*



UTAH PAST AND PRESENT.

During the same year the Territory of Colorado came into existence, Eastern Utah and parts of other Territories being

*Western Utah, which became Nevada, had then been occupied for about ten years; Hampden S. Beattie building the first house at Genoa, while on his way to the California gold fields. He was followed by the Reese Brothers from Salt Lake City. Within a few years farmers, stock raisers, miners and merchants, from both East and West, began to settle along the Carson River. Early in the "fifties" it was proposed to annex that region to California, and later an effort was made to induce Congress to change the name Utah to Nevada, and remove the seat of government to Carson County. Before and after that time there were movements for the formation of a new Territory. The discovery of the great Comstock Mine, in June, 1859, largely increased the "Gentile" population, who objected to being "governed from Salt Lake City." In November, 1860, following the example of the founders of Deseret, they elected a Governor and Legislature and petitioned Congress for a Territorial government. The prayer was granted, and the Territory of Nevada was the result.

taken for that purpose. Utah's eastern limit was then fixed at the thirty-second meridian.*

Boundaries Redefined.—At the next session of the Legislature following the organization of Nevada, the boundaries of Utah were redefined. The counties then numbered eighteen, namely: Salt Lake, Davis, Weber, Utah, Tooele, Juab, Sanpete, Millard, Iron, Beaver, Washington, Kane, Morgan, Box Elder, Cache, Wasatch, Summit and Green River.†

More Southern Colonization.—A visit by President Young and other leading men to the southern part of the Territory in May and June, 1861, resulted in a renewal of colonizing activities in that region. During the latter part of the year several hundred families from Northern and Central Utah settled in Washington County. Orson Pratt and Erastus Snow had charge of the mission. The town of St. George, named after George A. Smith, was located at that time.

Iron and Cotton.—Two important home industries were then struggling for existence, namely, the manufacture of iron at Cedar City, and the raising of cotton on the Rio Virgen. Two hundred thousand dollars were expended in the production of iron, when it was found that the ore, though rich, would not flux, and the enterprise had to be abandoned. Cotton had been raised in Northern Utah as early as 1851, and four years later cotton seed from the Southern States was planted in the valley of the Santa Clara; the result being the first cotton fabric produced in the Territory. During 1858 Joseph Horne, heading a colony from Salt Lake City, established a cotton farm on the Rio Virgen, and in 1862 cotton mills began to appear at Parowan and other places. These industries received an impetus from the Civil War, the blockading of Southern ports by the Northern fleets having caused a scarcity of cotton fabric throughout the country. Part of the raw product

*In 1862 another decree was given to Nevada, and in 1866 still another; these also being taken from Utah. When Nebraska and Wyoming were organized, the former in 1861, the latter in 1868, each was given a piece out of the northeastern corner of this Territory. These changes reduced Utah to her present dimensions.

†Morgan County, founded in the spring of 1855, had been named for its pioneer, Jedediah Morgan Grant, at that time one of the First Presidency of the "Mormon" Church. Box Elder and Cache counties were created during the following winter. The first settlers of Box Elder were William Davis, James Brooks, and Thomas Pierce, who in 1851 laid the foundations of Brigham City. Cache County had no settlement at the time of its creation, but in July, 1856, its pioneer, Peter Maughan, chose a site for Maughan's Fort afterwards named Wellsville in honor of General Daniel H. Wells. Kane County, called after Colonel Thomas L. Kane, was organized in 1856 out of a portion of Washington County. Wasatch County was settled in 1859 by families from Provo and Nephi.

was worked up at home and the remainder sent to California and New York.

Lincoln and the "Mormons."—Abraham Lincoln was then President of the United States. He was well acquainted with the people who had founded Utah, having known them in Illinois, and they looked upon him as a friend. When asked, after his election in 1860, what he proposed to do with the "Mormons," Lincoln answered: "I propose to let them alone." He compared the Utah question to a green hemlock log on a newly cleared frontier farm—"too heavy to move, too knotty to split, and too wet to burn." He proposed to "plow around it."



PRESIDENT LINCOLN.

The event, though not unusual, was significant from the fact that the "Mormon" people were thought to favor Secession, and were even suspected of cherishing a design to set up an independent government. In California there was talk of a Western Confederacy, in the event of the Southern States winning their independence, and Utah was encouraged to join it and thus secure Statehood. Similar encouragement came from the South. But Utah would not be drawn into the maelstrom of disunion. She proposed to stand by the Constitution, and hold aloof from the strife and carnage that were then raging. She knew no North, no South, no East, no West. Her attitude, so far as it could be, was one of neutrality.

The Pacific Telegraph.—In October, 1861, the Pacific

President Lincoln's appointees for this Territory included John W. Dawson, Governor; Frank Fuller, Secretary; and James Duane Doty, Superintendent of Indian Affairs. Dawson was from Indiana, Fuller from New Hampshire, and Doty from Wisconsin. The Federal Judges were John F. Kinney, R. P. Flenniken and H. R. Crosby. Kinney had succeeded Eckels as Chief Justice in July, 1860, by appointment from President Buchanan, and was continued in office by President Lincoln.

"Utah Has Not Seceded."—During the year of the outbreak of "The Great Rebellion," Utah gave a rousing celebration of the Nation's birthday.

Telegraph Line, which was built from both East and West, reached Salt Lake City; and on the 18th of that month, it having been announced that the eastern division was open, the first use of the wire was courteously tendered to President Brigham Young. His dispatch of that date has become historic. It was to J. H. Wade, President of the Pacific Telegraph Company, Cleveland, Ohio, and contained these words: "Utah has not seceded, but is firm for the Constitution and laws of our once happy country, and is warmly interested in such useful enterprises as the one so far completed."

President Wade answered as follows: "I have the honor to acknowledge the receipt of your message of last evening, which was in every way gratifying, not only in the announcement of the completion of the Pacific Telegraph to your enterprising and prosperous city, but that yours, the first message to pass over the line, should express so unmistakably the patriotism and Union-loving sentiments of yourself and people."

In the absence of Governor Dawson, Secretary Fuller made use of the wire to salute President Lincoln. He said: "Utah, whose citizens strenuously resist all imputations of disloyalty, congratulates the President upon the completion of an enterprise which spans a continent, unites two oceans, and connects with nerve of iron the remote extremities of the body politic with the great governmental heart. May the whole system speedily thrill with the quickened pulsations of that heart, as the parricide hand is palsied, treason is punished, and the entire sisterhood of States join hands in glad reunion around the national fireside." President Lincoln replied: "The completion of the Telegraph to Great Salt Lake City is auspicious of the stability and union of the Republic. The Government reciprocates your congratulations."

The arrival of the Telegraph was an event of the first importance. The electric wire, superseding the Pony Express, placed Utah in daily communication with the Atlantic and Pacific seabards. It was the dawn of a new era, the full blaze of which, however, did not come until after the advent of the railroad.

Guarding the Overland Route.—To protect the mail route and telegraph line from hostile Indians and other enemies of the Government, a portion of the Utah militia was called into service. President Lincoln, by Adjutant General L. Thomas, in a telegram dated April 28, 1862, requested Ex-Governor Young to raise, arm and equip a company of cavalry for that purpose. The men were to receive the same pay as United States troops, and continue in service until relieved by a detachment of the regular army.

The response to the call was hearty and immediate. Within three days Captain Lot Smith, at the head of seventy-two mounted men, took up line of march for Independence Rock, the scene of a late Indian disaster. Ben Holladay, the proprietor of the Overland Stage Line, telegraphed from New York thanking President Young for his "prompt response to President Lincoln's request." The Lot Smith here mentioned was the same who in 1857 had destroyed the Government trains on Green River. He and his comrades now rendered valiant service for "Uncle Sam" and won golden opinions from the United States army officers who joined them with troops and directed their later movements.

Another Movement for Statehood.—The winter of 1861-1862 found Utah again knocking for admission at the door of the Federal Union. The Territory then had a population of more than forty thousand, and in view of the secession of so many States the prospect for admission seemed quite favorable. "We show our loyalty by trying to get in, while others are trying to get out," said Delegate Hooper, in a private letter written at the time.

The Legislative bill providing for a Constitutional Convention was vetoed by Governor Dawson, who gave as his reason that there was not time enough before the date fixed for the election of delegates to notify the people or submit the measure to Congress. The delegates were chosen, however, and in January, 1862, they assembled at Salt Lake City, framed and adopted a State Constitution, and provided for the organization of a State Government. The officers were elected in March, and the government was organized in April; though, of course it did not go into operation. Congress was asked to admit Utah under the name of Deseret.

The Memorial and the Constitution were presented at Washington by William H. Hooper and George Q. Cannon, the proposed United States Senators. Mr. Cannon, when elected, was in Europe, but joined his colleague at the national capital. Captain Hooper, on his way from Salt Lake City, was accompanied as far as the North Platte by a mounted escort under the command of Colonel Robert T. Burton.

Governor Dawson's Departure.—Governor Dawson, who had succeeded Governor Cumming after a short interval during which Secretary Wootten was Acting Governor, made but a brief stay in Utah. He arrived at Salt Lake City early in December, 1861, but within thirty days set out upon his return to Indiana, having fallen into disgrace by making an indecent proposal to a respectable woman. At Hanks' men c

was traveling was waylaid by a gang of ruffians, who robbed and maltreated him. But he was soon avenged. Within a few weeks three of the desperadoes, who had been the terror of the community, were slain while resisting officers of the law. Before Dawson's arrival, and after his departure, Secretary Frank Fuller acted as Governor pending the appointment of another Executive.

Why Utah Was Kept Out of the Union.—Congress was not yet converted to the idea of admitting Utah into the Union, and many years elapsed before conversion came. The main cause was a deep-seated suspicion that the majority of the people of this Territory were unfriendly to the Nation. An un-American condition of affairs was supposed to exist here, hostile to the Government and subversive of morality and civilization. Priestcraft, polygamy, and murder were thought to be the chief corner-stones of "Mormonism." A union of Church and State was alleged. It was charged that the "Mormon" people were under the sway of an ecclesiastical despotism which overshadowed and controlled their opinions, actions, property, and lives, penetrating and supervising social and business circles, and requiring implicit obedience to the counsel of the Church, as a duty paramount to all the obligations of morality, society, allegiance and law.

The Real "Mormon" Attitude.—As a matter of fact, the "Mormon" people have never been in bondage to anyone. The obedience they render to their Church is purely voluntary, as in the case of the Catholic Church, or any other religious body in Christendom. Compulsion is no part of the "Mormon" system. Murder, to the Latter-day Saint, is most abhorrent; and punishment in such cases. The extreme penalty visited by the Church upon recalcitrant members is excommunication. The civic affairs of the people are as distinct from their spiritual affairs as the taxes they pay to the Government are separate from the tithes given to the Church. Their allegiance to God makes obligatory upon them the fullest and truest loyalty.

to the Nation. Anything to the contrary is a misconception of the "Mormon" attitude.

While denouncing the mobs that shed their blood, burned their homes, and drove them into the wilderness; and while criticizing men who sanctioned those misdeeds, or were indifferent to a redress of such grievances, they have steadfastly affirmed their fealty to country and their attachment to American institutions. Goaded and exasperated, they have at times given vent to their feelings and made free use of their tongues than men and women living in less strenuous days would deem necessary or wise; but that such expressions against persons or policies constitute treason to the Government, or unfitness to the Nation, the "Mormons" emphatically deny. Holding the Government of the United States to have been founded by heavenly inspiration, and revering the Federal Constitution almost as a divine instrument, disloyalty to country would mean to them treason to God, falsity to their most sacred convictions.

"An Establishment of Religion."—As for polygamy, or the plural wife system, that was a feature of their religious faith, part of a principle known as Eternal Marriage, or marriage for time and eternity. And yet only a limited number of those connected with the Church entered into the practice of plural marriage; but they were generally influential and among the best men and women of the community. Coming to them as a revelation from God, this principle was viewed as "an establishment of religion," with which Congress, under the Constitution, had no right to interfere.*

The Anti-Bigamy Law.—Against this form of marriage, however, the Federal Government sternly set its face, and until the Church of Jesus Christ of Latter-day Saints withdrew sanction from the further solemnization of plural marriages, Utah knocked in vain for admission into the Union. The answer to her prayer for Statehood in 1862 was the Anti-

*"Mormon" plural marriage was not the oriental polygamy of modern times. The harem or seraglio was unknown. Each wife had her own home, as a rule, with her own children around her; and the several wives of one man were all equally honorable in the community, and their children equally legitimate, so far as the Church was concerned. Plural marriage was not bigamy; it involved neither desertion nor deception. The first wife was a party to it, her consent being obtained by her husband before he added another wife to his household. "Polygamy," meaning "many marriages," signified among the "Mormons" plurality of wives—nothing more, and the most rigid morality was required of those who entered into such relations. It was held to be the restored marriage system of the Hebrew patriarchs; hence its other name, Patriarchal Marriage. It was also termed Celestial Marriage, though that signified marriage for eternity, whether with one wife or more. The marital status is regarded by the Latter-day Saints as a condition precedent to the attainment of the highest exaltation hereafter.

Bigamy Law, the first legislation of the kind that found its way into the statute book of the Nation. The bill for this law was introduced into the House of Representatives by Justin S. Morrill, of Vermont. Having passed both houses of Congress, it received the signature of President Lincoln, July 8, 1862.*

The Morrisite Affair.—During the summer of that year Utah had a rebellion of her own, and its suppression cost several lives. It was known as "The Morrisite War," in which the leader of a small religious sect and a few of his followers were killed while resisting a Marshal's posse, sent to serve and enforce a process of the Third District Court. Two of the posse were also slain.

The "Morrisites," numbering about five hundred men, women and children, inhabited a little settlement called King-ton Fort, immediately west from the mouth of Weber Canyon. Three of the men, upon attempting to leave the fort without making satisfactory settlement of certain claims, were imprisoned, and the leaders, Joseph Morris, John Banks, Richard Cooke, John Parsons, and Peter Klemgaard, disregarded by Chief Justice Kinney, commanding them to bring before him the persons they held in custody. This writ, dated May 22, 1862, was issued to the Territorial Marshal, Henry W. Lawrence, and served by his deputy, Judson L. Stoddard.

After the service of the process there was a delay of over two weeks, during which one of the captives eluded the vigilance of his guards and regained his liberty. The others, William Jones and John Jenson, were kept in close confinement, upon no particular charge and certainly without any warrant of law. The delay was occasioned by a desire on the part of the civil officers to avert trouble. The "Morrisites," fanatical, well armed, and well drilled, were capable of a strong resistance, and the hope was entertained that by the exercise of moderation the affair could be made to terminate without violence.

*This statute classed plural marriage with bigamy, and made it punishable by a fine of five hundred dollars and imprisonment for a term of five years. It was the ceremony of plural marriage that was aimed at, not the living in polygamous relations; that point being left untouched. Certain acts of the Utah Legislature, supposed to countenance, encourage, and protect plural marriage, were annulled and the property-holding power of religious organizations in the Territories was limited, in real estate, to the value of fifty thousand dollars. The law proved inoperative, little or no effort being made to enforce it. The Latter-day Saints regarded it as unconstitutional, and this opinion was shared by lawyers, editors and statesmen all over the land. The statute was in existence seventeen years before the Supreme Court of the United States declared it constitutional.

other relatives of the imprisoned men, Judge Kinney, on the 10th of June, issued another writ, this time directing the Territorial Marshal to arrest the "Morrisite" leaders and bring them into court, to be dealt with according to law. The charge against them now was twofold: First, unlawful imprisonment of the seceding members of their sect; second, contempt of court in refusing to release them when commanded. General Wells, being called upon for a military posse, furnished sufficient force to overcome all opposition. Marshal Lawrence was then absent from the Territory, and the responsibility of carrying out the order of the court devolved upon his chief deputy, Colonel Robert T. Burton.

Early on the morning of June 13th, the Marshal's posse, numbering two hundred and fifty men, arrived near Kingston Fort. A summons to surrender within thirty minutes was sent in, with a further direction to the inmates, that if resistance was determined upon, they were to remove their women and children to places of safety. They were likewise informed that all peaceably disposed persons would find protection with the posse.

The command to surrender was unheeded by Morris, who encouraged his followers to resist, promising them divine protection. After an hour or more, no word having come from the fort, two cannon shots were fired from a bluff where the posse stood, as a warning to the rebellious inmates. One of these shots passed high over the fort and struck the opposite bluff; the other, alighting in a field between the posse and the fort, bounded into a bowery where the people were assembled, killing two women and wounding a young girl.

The "Morrisites" grasped their guns and ran to their entrenchments. During the three days' battle and siege that followed, two of the besiegers, Jared Smith and T. P. Whiplin fell. After the fighting on the first day, Colonel Burton sent a written report to Acting-Governor Fuller, who answered him in these words: "The shedding of blood in resistance to civil authority renders execution of the law imperative. * * * Let your acts be tempered with mercy, but see that the laws are vindicated."

About sunset of the third day a white flag was hoisted by those within the fort, and the leader of the posse, with a few men, rode in to receive the surrender. While the "Morrisites" were stacking their arms, leave was asked for their leader to address them. The request was granted on condition that he would say nothing to cause further excitement. Morris, who was probably insane, disregarded this caution. Lifting his hands above his head, he shouted: "All who are willing to follow me through life and death, come on!" Shouts of ap-

probal met the appeal, and a dash was made for the firearms. A hundred frenzied fanatics confronted the Deputy Marshal and his slender escort. The moment was one of extreme peril. He commanded the leaders to halt. They heeded not. The command was repeated, and again ignored. Colonel Burton then seized the pistol in his holster and fired twice, several of his men doing likewise. Morris was killed, Banks was wounded, and two women were accidentally slain. The survivors, having laid down their arms, were marched to Salt Lake City and placed under bonds to appear at the next session of the District Court.

Everyone deplored the fatalities connected with this unfortunate affair, none more sincerely than the leader of the posse. He was harshly criticized by some, who contended that the "Morrisites" (dissenting "Mormons") had been unjustly dealt with, and that religious rancor had instigated the proceedings against them. As a matter of fact, they had been shown every reasonable consideration, by the ecclesiastical as well as by the civic authorities. None dreamed that the sequel, many years later, would be the trial for murder of the brave and efficient officer who had faithfully performed the painful duty laid upon him. His acquittal was confidently looked for, and was greeted with general satisfaction.

New Governor and Judges.

The next incumbent of the Governor's office was Stephen S. Harding, of Indiana. Appointed during March, 1862, he arrived at Salt Lake City in July, and was followed shortly by Associate Justices Charles B. Waite and Thomas J. Drake, who succeeded Judges Flenniken and Crosby. Waite was from Illinois, and Drake from Michigan.



GOV. HARDING.

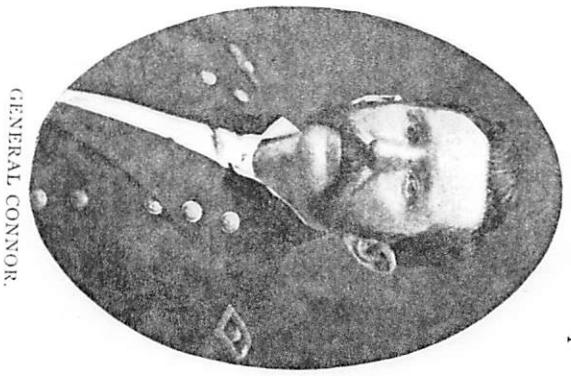
Colonel Connor and His Command.—The suspicion that the people of Utah, or the great majority of them, were disloyal, and that a condition of affairs existed here that might at any time break out into open revolt against the Federal Government, induced Secretary of War Stanton to order the establishment near Salt Lake City of a military post, to be maintained for the purpose of "watching Brigham Young and

the Mormons." This was the principal reason why Camp Douglas (now Fort Douglas) was founded by Colonel Patrick Edward Connor and the California and Nevada Volunteers. The "Mormon" people, offended by the imputation that came with the troops, were probably no more chagrined by the action of the War Department than was Colonel Connor himself.

A tame and superfluous task had been assigned to a man of restless energy, a brave man and a born fighter. He had been a captain during the Mexican War, and when the news of the attack on Fort Sumter reached the Pacific Coast, had promptly placed his sword at his country's service. Commissioned a colonel of infantry by the Governor of California, Connor had recruited his companies and was expecting to be sent to the front, when he received the disappointing order to march to Utah—ostensibly to guard the Overland Route, and hold the Indians in check; in reality to

affairs in and around Salt Lake City, and extend protection to "Gentiles" and apostates who might complain of oppression at the hands of their "Mormon" neighbors.

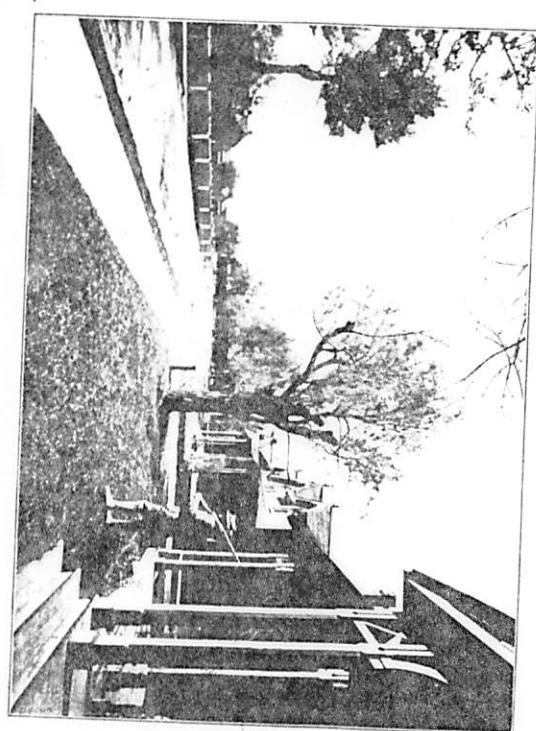
Marching to Utah.—Colonel Connor set out for Utah in July, 1862. His command then consisted of the Third California Infantry and part of the Second California Cavalry. On the way a few companies from Nevada joined them, making the entire force a little more than seven hundred men. Leaving his troops in Ruby Valley, the commander came on to Salt Lake City, arriving early in September. He remained a few days, and then rejoined his troops in Nevada. Finding his officers and men still burning with impatience to be sent to the seat of war, he endorsed their demand to that effect in a dispatch to the General in Chief of the United States Army.*



GENERAL CONNOR.

The Volunteers continued their march, reaching, on the 17th of October, Fort Crittenden (old Camp Floyd) which had passed into the possession of private parties, who had purchased the buildings from the Government. Hoping to re-sell at a large profit, these owners did all in their power to persuade Colonel Connor to establish permanent quarters there. He, however, had set his heart upon a location nearer the Utah capital. While proceeding northward, at the Point of the Mountain a rumor reached him to the effect that his advance would be resisted by an armed force, and preparations were made to encounter the opposition; but it did not appear. Later it was learned that the warlike rumor had been circulated by the Camp Floyd speculators, in the hope of influencing a reconsideration of the commander's purpose.

Founding Camp Douglas.—It was the 20th of October



OFFICERS' QUARTERS, FORT DOUGLAS.

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the Mormons." This was the principal reason why Camp Douglas (now Fort Douglas) was founded by Colonel Patrick Edward Connor and the California and Nevada Volunteers.

The "Mormon" people, offended by the imputation that came with the troops, were probably no more chagrined by the action of the War Department than was Colonel Connor himself.

A tame and superfluous task had been assigned to a man of restless energy, a brave man and a born fighter. He had been a captain during the Mexican War; and when the news of the attack on Fort Sumter reached the Pacific Coast, had promptly placed his sword at his country's service. Commissioned a colonel of infantry by the Governor of California, Connor had recruited his companies and was expecting to be sent to the front, when he received the disappointing order to march to Utah—ostensibly to guard the Overland Route, and hold the Indians in check; in reality to perform vedette duty, keep the Government acquainted with "Gentiles" and apostates who might complain of oppression at the hands of their "Mormon" neighbors.

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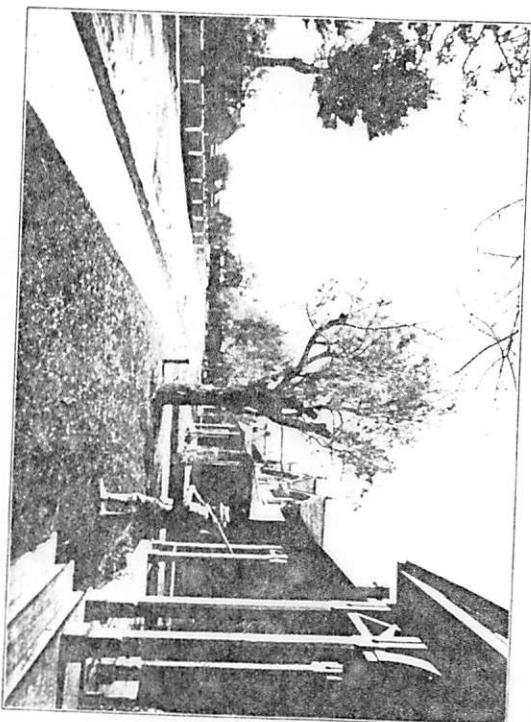


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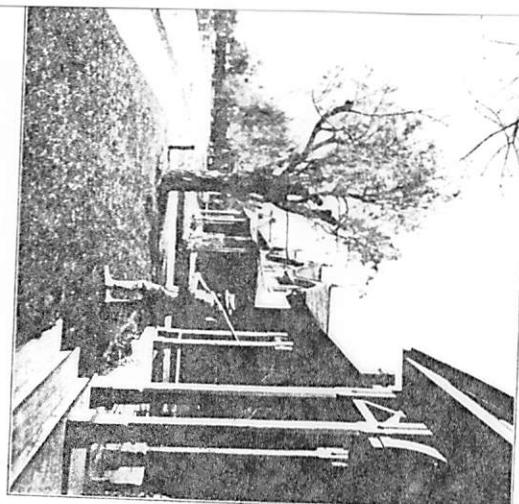
GENERAL CONNOR

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Marching to Utah.—Colonel Connor's
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GENERAL CONNOR

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Marching to Utah—Colonel Cummins

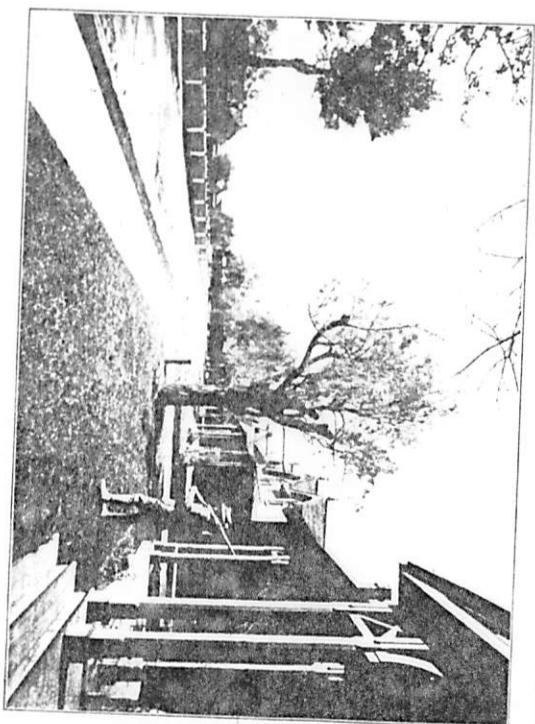
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Lake Valley. Until the erection of regular barracks, the soldiers sheltered themselves in huts and dug-outs. Camp Douglas was named after Senator Stephen A. Douglas, of Illinois.

For the uses of the military post the waters of Red Butte Canyon were appropriated; thus diminishing the none too plentiful supply for settlers below. Moreover, that portion of the stream which reached the plain was befouled by diversion to the neighborhood of stables and corrals, and so rendered unfit for drinking or for culinary purposes. Added to this annoyance, when the Camp Douglas reservation was set apart, it was found to overlap the borders of the municipality. These circumstances constituted the main objections to the placing of the post on that particular site.*

The Bear River Battle.—In January, 1863, Colonel Connor, with about three hundred men, fought the battle of Bear River, defeating an equal force of Indians—Bannocks and Shoshones—and completely breaking the power of the hostiles in that region. The main incidents leading up to the fight were the killing of some miners while passing through Cache Valley on their way from the Dakota gold fields, and the proposed arrest of three Indian chiefs who were held responsible for the murder. Warrants of arrest issued by Judge Kinney were placed in the hands of United States Marshal Isaac L. Gibbs, and he laid the matter before the commander at Fort Douglas. Three days later Colonel Connor started a company of infantry, with two howitzers, for the Indian camp, twelve miles from the present town of Franklin, Idaho, and he soon followed with four companies of cavalry, having as his guide the famous "Mormon" scout, Orrin Porter Rockwell. Marshal Gibbs also went with the expedition. The hardships of the march were extreme, the snow being deep and the cold intense.

The battle was fought on the 29th, beginning at six o'clock in the morning. The Indians were entrenched in a narrow dry ravine, whose steep, rocky sides sheltered them from the fire of their assailants. The latter, advancing along the level tableland, were exposed to the volleys of a concealed foe, and several fell, killed or wounded, at the first fire. These were cavalrymen, who were endeavoring to surround the savages, when the latter defeated the movement by attacking them. Meantime the infantry had forded the icy waters of Bear River, and a successful flanking movement soon enabled

*Happily these grievances have all passed away. By successive acts of Congress, parts of the military reservation have been included in the campus of the University of Utah, and, what is still more gratifying, friendly relations have existed for many years between the City in the plain and the Post on the hill.

the troops to pour an enfilading fire into the ravine. The Indians fought with fury, but were now at a disadvantage, and by ten o'clock their rout was complete.*

Colonel Connor's victory proved a great boon to the settlers of Northern Utah. It sounded a warning to the savages that did not need to be repeated. The War Department commended the Volunteers for their gallant service, and their Colonel was commissioned a Brigadier General.

Bear Lake Valley Colonized.—During 1863 Bear Lake Valley was explored by General Charles C. Rich, who, in 1864, founded the first settlements in that part. These were the towns of Paris and St. Charles, now in Southeastern Idaho. St. Charles was named in honor of General Rich. The same year Richland (now Rich) County was organized out of a portion of Cache County, and likewise christened for its founder.

Call's Landing—The Muddy Mission.—Southward, also, the work of colonization continued. Late in 1864 Anson Call, the pioneer of Millard County, was sent to "the head of navigation" on the Colorado River, to select a site for a Church station and warehouse; the purpose being to bring emigrants and freight by that route from the Pacific Coast. A station known as Call's Landing was established more than a hundred miles southwest from St. George. After the first shipment of goods the enterprise languished; its further development being arrested by the prospective early completion of the trans-continental railroad. The establishment of Call's Landing led to the founding of the Muddy Mission, just over the Utah-Nevada line.†

Governor Harding's Change of Heart.—At the beginning of his administration, Governor Harding manifested much friendliness toward the founders of Utah. In an eloquent address on Pioneer Day, he commended their industry and patriotism, and declared that he came among them "a messenger of peace and good will," with "no wrongs to complain of and

*Among the slain chiefs were Bear Hunter, Sagwitch and Lehi. Two other chiefs, Sanpitch and Pocatello, with about fifty braves, escaped. The losses on the other side were fourteen killed and forty-nine wounded. Eight of these died within ten days, the number including Lieutenant Darwin Chase, who had been a "Mormon." He was buried at Farmington. Seventy Indian lodges were burned, and a large quantity of grain, implements and other property, believed to have been stolen from emigrants, was destroyed or carried to Camp Douglas and sold.

†This mission, whose pioneer was Thomas S. Smith, comprised the settlements of St. Thomas, St. Joseph and Overton, which date from 1865. Later, they were abandoned, but only temporarily. All three towns are now in Lincoln County, Nevada.

no religious prejudice to overcome." In his speech of welcome to Colonel Connor he expressed disappointment at his coming, with his command to Salt Lake City, instead of occupying old Camp Floyd, but disclaimed for the Government or its representatives any unfriendly motive in connection with the troops. He advised citizens and soldiers to respect each other's rights, and pledged to both his sympathy and support for the maintenance of law and order.

But the feelings of the new Executive soon underwent a radical change. Adopting the notion prevalent at Camp Douglas, that the majority of the people were not in sympathy with the Federal Government, Harding, in his first message to the Legislature, December, 1862, criticised them on that score. He also found fault with their religion—the plural marriage principle, practised by some of them.

Federal Officials Versus the People.—Subsequently it became known that the Governor, with Judges Waite and Drake, was seeking to influence Congressional legislation, with a view to placing the selection of jurors in the hands of the United States Marshal, and empowering the Governor to appoint all the militia officers of the Territory. Much indignation was felt and expressed over what was considered an attempt "to subvert every right of free citizenship," and at a mass meeting held in the Old Tabernacle, where speeches were made by Brigham Young, John Taylor, and others, the Governor and the two Judges were accused of endeavoring to stir up strife, not only between the people of Salt Lake City and the troops at Camp Douglas, but also between the citizens of the Territory and the Government of the United States. Resolutions of censure were passed, and a committee consisting of John Taylor, Jeter Clinton and Orson Pratt, was appointed to wait upon the three officials and request them to resign. In anticipation of a refusal on their part, a petition was sent to Washington, asking President Lincoln to remove them.

As expected, the request for the resignation proved unavailing. Moreover, a counter petition, signed by General Connor and his officers, asking that the Governor and Judges be allowed to retain their places, was forwarded to the capital of the Nation.

Exciting Rumors.—About this time a rumor became current that troops from Camp Douglas were preparing to make a descent upon the home of President Young and "run him off to the States for trial," a recent case of polygamy being the alleged cause of action. General Connor denied that such a movement was contemplated, but his denial did not convince, and the residence of the "Mormon" leader was surrounded night and day by armed guards, ready to defend him against

any assault. On the charge preferred, President Young submitted to arrest by the United States Marshal, and was taken before Chief Justice Kinney at the State House (Council House). After a hearing the Judge held him in bonds to await the action of the Grand Jury. That body failed to indict him, and he was discharged on the ground of insufficient evidence. A very bitter feeling now prevailed; the relations between civilians and soldiers were tense and strained; and a collision seemed imminent. Sensational reports were telegraphed abroad, and the press teemed with comments upon the prospect of "another Utah war." As usual, the "Mormons" received most of the blame. Some of the papers, however, including one or more in California, were outspoken in their criticism of the Camp Douglas commander. He was accused of "kicking up trouble," and reminded that the Government had "enough fighting on its hands," and there was "no necessity of increasing it."

Convictions and Pardons.—At the March term of the Third District Court (1863) the "Morrisites" captured at the surrender of Kingman Fort were tried before Chief Justice Kinney. Of ten men who had been indicted for killing two members of the Marshal's posse, seven were convicted of murder in the second degree, and two acquitted; the remaining one not being prosecuted. Those convicted were sentenced to various terms of imprisonment. Sixty-nine others were fined one hundred dollars each for resisting an officer of the law. Within three days of the trial Governor Harding, in response to a petition from Federal and Camp Douglas officers, pardoned all the convicted men and set them at liberty.*

Indignant Judge and Grand Jury.—Indignant at this action of the Governor, the Grand Jury passed formal censure upon his course. Judge Kinney approved of what the Grand Jury had done, and ordered the presentment spread upon the records of the court.

Removals and Appointments.—In June of that year Governor Harding was removed from office. His successor was James Duane Doty, former Indian Superintendent. Doty was a very estimable gentleman, and his appointment gave general satisfaction.

Harding's removal, according to Mr. *Most of these people, after being employed at Camp Douglas for a time, accompanied a detachment of troops to Idaho, where a new military post was established in the vicinity of Soda Springs. Before Associate Justice Waite, relative to the affair at Kingman Fort. He declared that the shooting of Morris and Banks and the two women was deliberate and unprovoked. The Dow affidavit was the ground-work for the prosecution instituted in after years against the officer who had carried out the mandate of the court and compelled obedience to its authority.



GOVERNOR DOTY.

Stenhouse, "did credit to the Government;" his private life not being of such a character as to make him the proper person to lecture the "Mormons" on the immorality of polygamy. Judge Kinney and Secretary Fuller were also removed; "subservient to Brigham Young" being the privately expressed reason in their case. The vacancies were filled by the appointment of John Titus as Chief Justice, and Amos Reed as Secretary. Titus was from Pennsylvania, and Reed from Wisconsin. Judges Waite and Drake retained their places. The former, in the intervals of official duty, busied himself in the preparation of a book, "The Mormon Prophet," a work much quoted by subsequent "Anti-Mormon" writers.

Kinney as Delegate.—In August, 1863, Judge Kinney was elected Delegate to Congress. He followed Dr. Bernhisel, who had served a third term, succeeding Captain Hooper in 1861. Delegate Kinney's first speech in Congress (January, 1864) was a ringing reply to Representative Fernando Wood, of New York, who, on the floor of the House, had referred to the people of Utah as "profligate outcasts," always hostile to the moral and political institutions of the United States. In another speech, delivered in March, Kinney made a strong appeal for the admission of Utah into the Union, presenting a bill for an act to enable the people of the Territory to form a State Government. The appeal, as usual, was in vain.*

*Mr. Wood, in his unfriendly allusion to Utah, laid stress upon her militant attitude toward the Federal Government in 1857-1858. The New York Congressman, being a pronounced "Copperhead," had a vulnerable spot in his armor, and Kinney's keen verbal weapon quickly found it. He declared that a man who would stand up in the American Congress, at a time when the Government was struggling for its existence, and pronounce the effort made by it to put down the rebellion "a hellish crusade," ought to be expelled as unworthy to occupy a seat upon that floor. He then stated the facts connected with the Utah Expedition, and eulogized the toils and sacrifices of the founders of the Territory. The Philadelphia Press described the speech as "a sharp, opportune and overwhelming reply to the Chief of Copperheads."

The Mining Movement.—In the autumn of 1863 General Connor headed a movement for the development of Utah's mining resources. That the Wasatch, Oquirrh, and Uintah Mountains teemed with all kinds of minerals, had long been known. Iron in Iron County, lead in Beaver County, copper long before the founder of Camp Douglas came to the Territory. The Rollins Lead Mine, near Minersville, had been worked as early as 1858, and there the Lincoln Mining District was organized in 1861. But the first settlers, and especially the leaders, did not favor mining for the precious metals during the primitive days of the commonwealth. Some of their reasons have already been presented. It but remains to say that their experience during Camp Floyd times had strengthened their determination not to encourage the flocking into Utah of a rough and reckless element, such as is commonly found among inhabitants of mining camps, the world over. They made no secret of their opposition to such an undesirable inflow, nor did they apologize for their attitude in relation to it. That attitude, however, furnished "Anti-Mormonism" with one of its most effective weapons; the plausible though groundless statement being made that all "Gentiles" were unwelcome in Utah, and that it was the purpose and policy of the "Mormons" to prevent them from settling here.

The mining movement of 1863 began in Bingham Canyon, one of the gorges of the Oquirrh Mountains running into Salt Lake Valley. A logger named Ogilvie picked up a piece of silver-bearing ore and sent it to General Connor, who had it assayed. The General then visited the canyon, with a party of officers and their wives, and one of the ladies, while rambling on the mountain side, found another loose piece of ore. The soldiers prospected for the vein, and having discovered it, made their location, naming the mine "The Jordan." Their commander drew up some mining regulations, and at a meeting of miners held at Gardner's Mill, the West Mountain Mining District was organized. About that time General Connor, with some of his troops, reoccupied the old Rush Valley grazing grounds, which the soldiers at Camp Floyd had used. There they laid off the town of Stockton, and proceeded to explore and prospect for mines in that vicinity.

Proposed Regeneration.—The Commander of the Utah Military District did not hide the fact that he had formed plans for the development of this part of the country, quite at variance with those favored by Brigham Young and the pioneers. He had set himself the task of "regenerating" the Territory. His avowed policy was "to invite hither a large Gentile and loyal population, sufficient by peaceful means

and through the ballot box to overwhelm the Mormons by mere force of numbers, and thus wrest from the Church—disloyal and traitorous to the core—the absolute and tyrannical control of temporal and civil affairs." Such was his frank, almost fierce, announcement.

Vedette and Telegraph.—In pursuance of this policy, General Connor established a paper, "The Union Vedette," which was published first at Camp Douglas and afterwards at Salt Lake City. Its tone was militant, like its title. The editor was Captain Charles H. Hempstead, one of Connor's subordinates, afterwards a leading member of the Utah Bar. The "Vedette," at the time of its appearance, was the one journalistic rival of the "Deseret News;" the "Valley Tan" and the "Mountaineer" having ceased to exist. In January, 1864, it became a daily paper, the first one published in the Territory. During the following July "The Daily Telegraph" appeared, with T. B. H. Stenhouse as editor. Mr. Stenhouse was then a "Mormon."

The Vedette, in its first number, contained a circular letter on the mining outlook, signed by Captain Hempstead as Adjutant. General Connor promised protection to all miners who would come to Utah, and stated that "should violence be offered or attempted" to miners in the pursuit of their lawful occupation, "the offender or offenders, one or many, would be tried as public enemies and punished to the utmost extent of martial law." Such was the spirit of the so-called "Regenerators." Utah was to be reformed, not only through the ballot box, but if need be at the point of the bayonet.

A Provost Guard.—The Camp Douglas commander followed up this proclamation by placing a provost guard in Salt Lake City. The troops were quartered in a long, low adobe building, originally a store, then standing nearly opposite the south gate of Temple Block. The building was owned by the "Mormon" Church, but had been let to Captain Stover, for a military storehouse. General Connor ordered Stover with his wares to Camp Douglas, and proceeded to utilize the building for quite another purpose. Captain Hempstead was the provost marshal, and Company "L" of the Second California Cavalry, the guard. They took possession of their quarters on a Sunday afternoon, just as the people were assembling for worship in the Tabernacle across the way.

General Connor gave as his reasons for placing this guard, that the chief men of the "Mormon" Church were "making their tabernacles and places of worship resound each Sabbath with the most outrageous abuse of all that pertained to the Government;" and that "their prayers were ascending loudly from the house tops for a continuance of the War till

the hated Union should be sunk." Along with these allegations went others to the effect that the establishment of the guard had caused excitement and armed assembling among the "Mormons," and that the mining movement, "despite the counsel, threats, and obstacles of the Church," was "going on with giant strides."*

The plain facts were these: General Connor's mining movement was struggling for a bare existence, and by the end of another year had disappeared almost entirely; and that, too, without interference from anybody. At the Tabernacle and in other places there was much heated talk; but it was aimed at the "Regenerators" and others like them. Men in high places were criticised—as they always have been, in every State and Territory of the Union; but no "Mormon" considered such criticism an assault upon the Government itself. There was no great influx of "Gentile" miners and merchants, and no excitement and armed assembling among the "Mormons." As to "prayers ascending from the house tops," the reader need scarcely be assured that for that bit of orientalism the fiery commander was drawing upon an overheated imagination.

The duties of the provost guard were not onerous. Beyond the occasional arrest of some half drunken "Southern sympathizer," who, to tantalize "the boys in blue" would "hurrah for Jeff Davis" in their hearing, the soldiers had little to do. Persons arrested were made to pace to and fro in front of the guard-house, carrying upon their shoulders heavy bags of sand. While attempting an arrest in front of the Salt Lake Theatre, just as the audience was dispersing one night, a member of the guard fired into the crowd, wounding an innocent bystander, a young man named William Vanderhoof. Luckily he was not seriously hurt. After about a year, the guard was withdrawn.†

Bridging the Chasm.—The social gulf dividing citizens and soldiers was happily bridged on the 4th of March, 1865, when both sides joined in celebrating the second inauguration of President Lincoln. A public procession, in which Camp Douglas officers and troops, with Federal and City authorities and detachments of the militia, took part, was followed by a program of exercises in front of "The Market," at the junction of Main and First South Streets. There was an introductory address by Captain Hempstead, and prayer

*See letter of General Connor, dated Camp Douglas, July 21, 1864, to Assistant Adjutant General R. C. Drum, San Francisco.

†The old storehouse vacated by the troops became in after years the Deseret Museum. At one time it housed a department of the University of Deseret, which had its home in the Council House, nearby.

by the Camp Douglas chaplain, Reverend Norman McLeod, after which came an oration from Judge Titus and a speech from Ex-Delegate Hooper. The Federal troops were escorted back to the post by Colonel Burton and the citizen cavalry.

During the evening, at a banquet given in the City Hall, and attended by Camp Douglas officers and others,

Mayor Smoot proposed as a toast: "The health of President

Lincoln, and success to the armies of the Union!"

General Connor was much impressed with what he saw and heard that day. The patriotic pageantry and sentiments, so heartily applauded by the multitude, were in the nature of a revelation to the stern warrior. "He wanted differences to be forgotten," says Mr. Stenhouse, "and with gentlemanly frankness approached the author with extended hand and expressed the joy he felt in witnessing the loyalty of the masses of the people." The *Vedette* expressed itself in a similar tone. A discontinuance of that paper was hinted at by its founder, in recognition of what he regarded as a decided change in the conditions surrounding him. But most of the metamorphosis was within himself. The people of Utah had always been patriotic, but his prejudice had prevented him from seeing it. General Connor's eyes were being opened to the true situation in this much misunderstood Territory.

Mourning for Lincoln.—Six weeks later the awful news was flashed over the wires that President Lincoln had been assassinated. Utah joined in the general sorrow, and civilians and soldiers, again uniting, mourned together over the Nation's martyr. It was Saturday, April 15th, when the terrible tidings came. Everywhere flags were displayed at half mast, and public and private buildings were draped in mourning. "Brigham Young's carriage was driven through town covered with crepe"—so said the *Vedette*—"and everyone throughout the city, that is, of the right-minded class, manifested the deepest sorrow at the horrible news conveyed by the telegraph." On the day of the President's burial a joint funeral service was held in the Old Tabernacle, City Marshal Jesse C. Little having charge of the proceedings.*

*Three "Mormon" Apostles took part in the service, namely, Amasa M. Lyman, who delivered an address; and Wilford Woodruff and Franklin D. Richards, who offered the opening and closing prayers. The only other speaker was Reverend Norman McLeod.

1865-1867.

XVIII.

LATER IN THE SIXTIES.

The Colfax Visit.—During the year 1865 a number of persons of national repute, on their way to or from the Pacific Coast, stopped off at the Utah capital. One of them was Schuyler Colfax, Speaker of the House of Representatives. Included in his party were Lieutenant-Governor William Bross, of Illinois; Samuel Bowles, editor of the Springfield (Massachusetts) Republican; and Albert D. Richardson, of the editorial staff of the New York Tribune. They arrived at Salt Lake City on Sunday, June 11th, and remained eight days.

It was largely owing to Mr. Colfax and his efforts in Congress, that the far West was then in the enjoyment of a daily mail and a telegraph line, and was soon to have the railroad for which it had waited so long. He and his friends, to use their own words, were "the recipients of a generous and thoughtful hospitality." The coach containing them, after leaving Camp Douglas, where they had halted for refreshments, was met on the foot-hills by a reception committee, of which William H. Hooper was chairman. The visitors were conducted to the Salt Lake House, apartments having been prepared for them. They were the guests of the City during their stay.*

The main incidents of the Colfax visit were: A speech by the future Vice President from the balcony of his hotel; two interviews between him and President Brigham Young; a trip to Rush Valley, to view the mining operations there; a bath in the Great Salt Lake; a special performance at the Theatre; a Sunday service at the Bowery, with President Young as the speaker; and later in the day, at the same place an oration by Mr. Colfax on the life and principles of Abraham Lincoln. The first of the interviews took place at the Salt Lake House; the "Mormon" leader and his associates

*In his book entitled "Across the Continent," published after his return to the East, Mr. Bowles refers to the experiences of himself and friends in Utah. "We find here," says he, "a great deal of true and good human nature and social culture; a great deal of business intelligence and activity; a great deal of generous hospitality—besides most excellent strawberries and green peas, and the most promising orchards of apricots, peaches, plums, and apples that these eyes ever beheld anywhere."